

A N
HISTORY
OF THE
Archbishops and Bishops,
WHO

Have been Impeach'd and Attainted of
HIGH TREASON,
FROM
WILLIAM the CONQUEROR to this time.

With an Account of
Their Impeachments and Defences, the Cha-
racter of their Persons, in Prosperity and Ad-
versity, their Publick and Private Charities and
Benefactions: As also the Behaviours of those
who suffer'd Death.

*Extracted from the Best Historians, Ancient and
Modern.*

L O N D O N,

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THE HISTORY

OF THE

ANTIENT AND MODERN

HISTORY OF THE

EMPIRE

OF THE EAST AND WEST INDIES

AND OF THE

ISLANDS OF THE PACIFIC OCEAN
AND OF THE
NORTH AMERICAN CONTINENT
AND OF THE
WEST INDIES
AND OF THE
ISLANDS OF THE PACIFIC OCEAN



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Continent

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THE
PREFACE.

I*T will be needless to recount the Advantages which History affords us; and not the least, is that of viewing the Lives and Actions of Eminent Persons, that we may imitate the Good and avoid the Bad. Here you see depress'd Loyalty rewarded, and successful Perjury justly condemn'd, even in this World, and punished too, in the Person of Roger the Rich Bishop of Salisbury; while the Memory of Bishop Merks and Archbishop Scroop, will be Reverenc'd by all Honest and Loyal Persons till time shall be no more; Tho' the last joy'n'd Henry IV. he repented, and shew'd his Sincerity by Suffering.*

The following Persons being Forreigners, tho' dignify'd in England, and being in Order of time before Becket, we have plac'd them here by way of Introduction.

WILLIAM KAIRLIPO, Bishop of Durham, A.D. 1081. He joy'n'd himself with Odo Bishop of Bayonne, in a Rebellion against Will. Rufus. The Rebels being unsuccessful, he fled, was afterwards reconcil'd to the King, and Dy'd at Gloucester.

ANSELM

The PREFACE.

ANSELM, Archbishop of Canterbury, was charged with High Treason, for swearing Urban for Pope, and a Council of Bishops and Abbots met at Rockingham-Castle, where the King had him Condemn'd. He was afterwards restor'd to his Temporals and reconcil'd to the King, by means of Adela Countess of Blois, the King's Sister. He dyed A. D. 1109. in the 76th Year of his Age, after he had been Archbishop Sixteen Years.

In the Reign of Henry I. ROGER Bishop of Salisbury, was made Justitiarius totius Angliæ, and had the Government of the Kingdom during the King's Absence. His Son Roger he made Chancellor of England; and his two Nephews Bishops; Alexander Bishop of Lincoln, and Nigellus Bishop of Ely. But for these Favours he proved most ungrateful: After he had Sworn to Maud the Empress, and administred the Oath to the Nobility, as Chancellor, He was the first Person that broke it, and set the Crown upon the Head of an Usurper. However, God punish'd him severely for his Treason, being strip of his large Possessions, he dyed miserably. He was a Person of mean Parentage, little or no Learning, and was justly punish'd for his abominable Perjury.

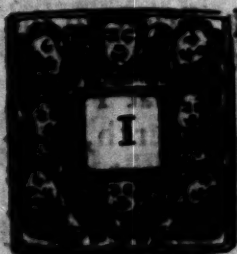
This Bishop's Son, ROGER, Honestly and Loyally adher'd to the Empress for which he was Banish'd. ALEXANDER Bishop of Lincoln, dyed in Prison; but NIGELLUS Bishop of Ely, constantly maintain'd the Empress's Cause, and suffer'd much for her sake, liv'd to see a Restoration, and dyed in Peace.

THO:



THOMAS BECKET,

Archbishop of *Canterbury*.



IN the Year 1162, the King being in *Normandy*, dispatch'd Chancellor *Becket* into *England*, under colour of managing some Business relating to the *State*; but with a Design to prefer him to the Archbishoprick. He was consecrated by *Henry*, Bishop of *Winchester*, upon the Third of *June*.

Upon his Promotion to this Post, he began to alter his manner of living, to barr himself those innocent Liberties he had formerly taken, and leave off his Secular Figure. He was said to have worn Sackcloth next his Flesh; something likewise of the Monkish Dress, with the Archiepiscopal Habit over the rest *.

Some time after, he fell under the Displeasure of the *Courts*: For finding some part of the Estate of the Church of *Canterbury* Alienated, and in *Lay Hands*, he insisted upon Restitution; particularly, he claim'd the Custody of the Castle and

Tower of *Rockſter* from the *Crown*. He likewise demanded Homage of the Earl of *Clare* for the Castle of *Tunbridge*, and the Lands about a League round it, with ſome other Demands of this nature †. Now, tho' we do not find his Title conteſted, either in *Fitz Stephen*, *Hoveden*, or *Gervafius*, or that he was challeng'd for demanding more than his own; yet having a Diſpute with Court-Favourites, who were unwilling to part with what they had grasped, he raiſed a Party againſt himſelf, and loſt the King.

Farther, the Archbiſhop having a Right to preſent to vacant *Livingſ*, in the Towns which held of his See, collated one *Lawrence*, a Prieſt to the Rectory of *Aineſford* in *Kent*. Upon this, *William de Aineſford*, Lord of the Mannor of that Pariſh, pretending to the Patronage of the Church, ouſted *Lawrence*, and forced his Servants out of the Town: For which Diſturbance *William* was excommunicated by the Archbiſhop. *William* lying under this Sentence, applies to the King, who was diſpleaſed with the Archbiſhop for not acquainting him with the Censure before it paſſ'd: It being part of his Prerogative, as the King alledg'd, that none of his Officers, or thoſe who held in Chief of the Crown, were to be excommunicated without his Highneſs's Knowledge; and that this Notice was to be given, to prevent the King's Communication with an Excommunicated Perſon, and admitting him, thro' want of Information, to Familiarity and Buſineſs. So that we ſee, the King's Reaſon in this Caſe, is far from being prejudicial to the Jurisdiction of the Church. However, the King conceiving, *William* of *Aineſford* was ſome-

† *Chronic. Gervaf.* col. 1384.

what rigorously treated, wrote to the Archbishop to Absolve him. The Archbishop answer'd, that Excommunication and Absolution, or the Direction of these Spiritual Powers, was no part of the Prerogative Royal; However, at last, being unwilling to break with the King, he Absolv'd William. But Disputing the Point, and the Contest with the Court-Favourites, gave the King a Disgust: Notwithstanding when the Archbishop was first promoted to his See, the King had promis'd him all the Privileges of his Church, and that he might take the liberty of recovering the Lands alienated by his Predecessors, or wrongfully seiz'd by any of the *Layity* *.

Under these Disadvantages his Conduct was examin'd with prejudice, and interpreted to the hardest sence. His Zeal for Discipline was call'd Rigour and Cruelty. His Care to preserve the Rights and Revenues of the Archbishoprick, was imputed to Coverousness. His Contempt of Popularity was construd a Cynical sort of Affectation. On the other side, his living up to the Figure of his Station, was censur'd for Pride and Ambition. Thus they took care to misrepresent him to the King, and put an ill Completion upon every Circumstance. And in short, they persuaded the King, that if the Archbishop went on in his Encroachments, the *Prerogative* must suffer, and the Crown, in a manner, sink under him †.

I shall report the Rupture between the King and the Archbishop in *Hovenden's* Words. "An unfortunate Misunderstanding (says this Historian) broke out this Year, between the King and

* *Fitz-Stephen*, p. 15. col. 1. *Mat. Paris Hist. Angl.* p. 100.

† *Gervas. Dorebern. Aet. Pontif. Cantuar.* col. 1670.

the Archbishop *. The King, it seems, was desirous to re-call some of the Privileges of the Clergy, and bring them under the condition of other Subjects. The Archbishop, on the other hand, stood firm for the Liberties of the Church, and refus'd to yield to the least Diminution.

The Case in dispute was this: The King requir'd, that when Priests, Deacons, or others of the Clergy were apprehended for Robbery, Murder, Felony, Burning of Houses, or any other high Crimes of this nature, they should be try'd in the King's Courts, and undergo the same Punishment with *Laymen*. On the other hand, the Archbishop insisted, That when any Clerk was charg'd with any of the Crimes above-mention'd, he ought to be try'd before Ecclesiastical Judges in the Court-*Christian*. And in case he was convicted, he was to suffer Degradation, and be deprived of all his Ecclesiastical Preferments. And, if after he was thus stript of his Character, he hapned to relapse into the former Crimes, or made a breach upon any of the Laws of the Realm, he was then to be deliver'd up to the King's Justice, and receive his Tryal from the Civil Magistrate.

It seems, some of the Clergy in this Reign had mis-manag'd their Privilege of Exemption from the Civil Courts: Neither were the Bishops altogether so careful in correcting their Misbehaviour as they ought to have been †. And upon this Head the King had lately receiv'd several Complaints.

To give some Instances; A Burgher of *Scarborough* prefer'd a Complaint to the King against a

* *Houenden's Annals*, p. 282.

† *Nutrigenf.* l. 4. cap. 16.

Rural Dean, for levying twelve Shillings upon him, pronouncing his Wife an Adulteress, and enjoying her Penance without Legal Proof †. The *Dean* was brought before the King, the Archbishop of *York*, the Bishops of *Lincoln* and *Durham*, and *John* Treasurer of *York*; and not being able to defend himself, the Temporal Barons were order'd to sit with the Bishops upon the Bench, and joyn in the Sentence upon him. *John* the Treasurer was of opinion, that if he restor'd the Burgher his Mony, and remitted to the Discretion of the Bishop, whether he should be turn'd out of his Office, or not, there was no reason to punish him any farther. Upon this, *Richard de Lucy* || ask'd, What satisfaction the King should have for the Breach of his Law? *John* answer'd, Nothing; because the Offender was a Clerk. Whereupon the Justiciary, and the Temporal Barons went out of the Court, and refus'd to be present when Judgment was given.

To proceed: The Judges being upon their Circuit at *Dunstable*, one *Simon Fitz-Peter* inform'd the Court, that *Philip de Breck* Canon of *Bedford*, had spoken dishonourably of the King in publick Company. The King order'd this *Breck* to be prosecuted before the Archbishop. And the Charge being prov'd against him, he endeavour'd to excuse himself, by alledging the Words were spoken in Passion. The King demanded Judgment against him, and the Ecclesiastical Court sentenc'd him to lose the Profit of his *Prebend* for one Year, and to be banish'd *England* for that time. But this Sen-

† *Gal. Fitz-Stephen*, p. 18. c. 1. B. 11. c. 1. under *Julian*, A. XII.

|| This *Richard de Lucy* was Justiciary of *England*.

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which was thought too favourable, and gave the King no satisfaction.

Farther, a Clerk in *Worcestershire* had debauch'd a Farmer's Daughter, and afterwards murder'd her Father. The King requir'd, this Man should be try'd in the Civil Courts: But Archbishop *Becket* refusing to comply, order'd the Malefactor to be kept in the Prison of the Bishop's Diocese, and not to be put into the hands of the King's *Justices*.

To give one Instance more: Another Clerk stole a Silver Chalice out of a Church in *London*, called *St. Mary's in the Market*. The King would have had this Man prosecuted and punished in his own Courts: Instead of which, the Archbishop brought him into the Ecclesiastical Court, where he was sentenc'd to be degraded; and to satisfy the King farther, he was branded in the Face with a hot Iron.

Not long after, *Philip de Elemsyné*, a celebrated Abbot, arriv'd in *England*, from the Pope, to put an end to this Difference. And had Instructions to enjoin the Archbishop of *Canterbury* to comply with the King's Demands, and give his Highness a Promise to observe his Laws, without any Exception. This Order from *Rome*, with the Advice of other Persons of Character, made the Archbishop alter his Opinion. And waiting upon the King at *Woodstock*, he promised to keep his Laws, upon the Faith of an honest Man, and without any Prevarication whatsoever.

A. D. 1164. The King resolving to carry this Point, and draw this Exemption from the Clergy, and bind the Bishops more solemnly to their late

Archbishop of Canterbury.

Promise, summon'd a Convention of the Lords Spiritual and Temporal to *Clarendon*†.

And here Archbishop *Becket* declar'd, he had gone too far in his late Engagement to the King, and that he thought himself oblig'd to retract his Submission. This receding from his Promise made the King exceeding angry, who threatned the Archbishop and his Friends with the utmost Severity. He was afterwards charg'd with High Treason.

Thus having given an account of the Occasion and Difference between the King and Archbishop *Becket*, I shall take leave of the Subject, till his Reconciliation with the King.

A. D. 1170. The King and the Archbishop being reconcil'd, the Archbishop went on board, and had a fair Wind to *England*, where he found a Body of Men armed upon the *Beach* ready to attack him. The Dean of *Salisbury* fearing some Mischief, went a-shore first, and charged them in the King's Name, not to outrage the Bishop, under pain of High Treason: for that now the Difference between the King and the Archbishop was taken up. Upon this, the Company laid down their Arms. As soon as he came to *Canterbury*, some Officers of the Court were sent to command him in the King's Name to absolve the suspended and excommunicated Bishops. He told them, it was not within the Authority of an inferior Jurisdiction to set aside the Sentence of a superiour Court. When they urged, the King, (meaning, I suppose the young King) would be revenged for the Incompliance: The Archbishop answer'd, that in case the Bishops of *Salisbury* and

† *Hovenden, Annal.* fol. 582. *Chronic. Gervas.* col. 1385.
London

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London would swear to abide by the Pope's Order, he would Absolve them. However, the Bishops would have comply'd with Archbishop Becket's Proposal, had they not been over-ruled by the Archbishop of *York*. This Prelate, with the Bishops of *London* and *Salisbury*, embark'd for *Normandy*, to complain of Becket to the King. They likewise procur'd Six of the Clergy, or Monks of the vacant *See*, to be sent for to the King's Court in *Normandy*, to represent their *Body*, and make an Election: Tho' to do this in a Foreign Countrey, and when the rest of their Chapter was absent, was altogether Uncanonical. However, by this Practice, they thought to bring the Archbishop of *Canterbury* under a Difficulty; and that if he refused to Consecrate upon such Election, the King would be displeased, and a new Dispute set on foot.

These Three Bishops, at their coming to the Old King's Court, made a Tragical Investive against Archbishop Becket, declaim'd against him as a Publick Incendiary; called him the Persecutor of his own Order, and the King's Enemy, and the Bane of all good Men; and particularly, that he travell'd towards the Court with a Guard, and attempted to wait on the Young King in a formidable and military manner.

The King was extremely exasperated against Becket, upon this Representation, and express'd himself with great Warmth, That he was an unhappy Prince, That he led a great many sleepy insignificant Men of Quality; That none of his Servants had either the Gratitude, or the Spirit, to revenge him on a single Prelate, by whom he had been so much outrag'd &c. Upon this, Four Gen-

lemen of Figure, that belonged to the Court, form'd a Design against the Archbishop's Life: Their Names were *Reginald Fitz Urse, William Tracy, Richard Britton, and Hugh Morvill.* These Men having concerted the Assassination, went on board immediately, and landed at *Dover*. They boasted of their good Passage, as if Providence had approv'd of their Design. They came to *Canterbury* the next day, being the 29th of *December*, and broke into the Archbishop's Apartments without paying the customary Respect. They told him they came from the King, to command him to absolve the Bishops under Censure. He reply'd, Those Prelates lay under the Pope's Sentence, and went on with the same Answer he had formerly given to the Bishops themselves. This Reply not giving Satisfaction, the Four Gentlemen charg'd the Monks of *Canterbury* in the King's Name to keep the Archbp. safe, that he might be forth-coming; and upon this they went off with a menacing Air. The Archbp. told them at parting, he came not into *England* to abscond, neither would their Threatnings make any Impression on him.

The same Day they return'd to the Palace, and leaving a Body of Soldiers in the Court-Yard, rush'd into the Cloysters with their Swords drawn, and afterwards came into the Church, where the Archbishop was at *Vespers*: And here calling out, *Where was the Traitor?* And no body answering, they asked for the Archbishop. Upon which he moved towards them, and told them, *He was the Person.* He is said, not to have shewn the least sign of Fear upon this Occasion. And when one of the Assassins menac'd him with Death, he answered with great Courage and Unconcernedness, That he was prepared to die for the Cause of God, and in the Defence of the Rights of the Church.

But, says he, if you must have my Life, I charge you in the Name of Almighty God, and under the Penalty of Excommunication, not to hurt any Person here, either Clergy or Laity, besides my self: For none of these have any concern in the late Transactions. Upon this, they laid hold on him, and offer'd to drag him out of the Church: But finding they could not do it without difficulty, they murder'd him there. When he perceived what they were resolv'd on, he stoop'd his Head to their Swords: And tho' he received several Wounds before he was dispatch'd, he neither gave a Groan, nor offer'd to avoid a Stroke. But one Edward Grunfere, a Clergyman belonging to the Cathedral, when he perceiv'd one of the Men gave a Blow at the Archbishop's Head, interpos'd his Arm, and had it almost cut off*.

The Assassins, after the Murther, were afraid they had gone too far, and durst not return to the King's Court in Normandy; they chose rather to retire to Knaresburgh in Yorkshire, a Town of Hugh Morvill's: There they continued, till they found themselves the Aversion and Contempt of the Countrey: For every body avoided their Conversation, and would neither eat nor drink with them. At last, being tir'd with Solitude and Disregard, and struck with Remorse of Conscience, they took a Voyage to Rome; and being admitted to Penance by Pope Alexander III. they went to Jerusalem, and according to the Pope's Order, spent their Lives in Penitential Austerities, and died in the Black Mountain. They were buried in Jerusalem, without the Church Door belonging to the Templars, with this Inscription:

Chron. Gervas. col. 1414, 1415.

Hic

Hic jacent Miseri, qui martyrizaverunt Beatum Thomam Archiepiscopum Cantuariensem.

Here lie the Wretches, who assassinated St. Thomas, Archbishop of Canterbury.

A Word or two concerning this Archbishop's Extraction. THOMAS BECKET then, was Son of Gilbert, Sheriff of London. He had the first Part of his Education in that City, and was afterwards sent to Paris for farther Improvement. Upon his Return he was made Town-Clerk, which Office he managed to satisfaction. Being a Person of Proficiency and Parts, he was recommended to Theobald, Archbishop of Canterbury. This Prelate sent him to Bononia in Italy, to study the Civil Law, and afterwards made use of him in several Employments to the Court of Rome. After some time he was ordain'd Deacon by Archbishop Theobald, and prefer'd to the Archdeaconry of Canterbury; which then, next to the Bishopricks and Abbies, was reckon'd the best Church of Preferment in England, being valued at 100 l. per annum. The King being young, the Archbishop was apprehensive he might receive ill Impressions from some of his Courtiers, and fly out into Liberty and wrong Measures: To secure his Conduct therefore, Theobald Archbishop of Canterbury prevail'd with the King to make him Chancellour of England. He knew this Thomas well qualified for Publick Business, and had a great Opinion of his Management. It seems, he had given an early Testimony of his Ability, and gained the Character of a Man of great Reach and Courage. He was likewise well polish'd for a Court-Life, knew how to make a Figure, and was furnished with Address

to procure him Friends, and support him in his Station.

He was very popular in this Office. His House was a kind of Prince's Court, whither many Persons of the highest Quality sent their Sons for Education; several Noblemen and abundance of Knights did Homage to him for their Estates. He was very generous and open-handed. His Hospitality and splendid Entertainment was such, that he was extremely belov'd by all sorts of People.

Upon the News of Archbishop *Becket's* Murther, the King and the Pope were extremely troubled, tho', as *Gervas* of *Canterbury* conjectures, for different Reasons †. The King was apprehensive, the Archbishop's Murther might reflect upon his Highness; That his Honour might suffer upon this occasion.

A. D. 1174. On the 8th of July the King landed at *Southampton*; and before he undertook any Publick Business, he went to *Canterbury* to make a Publick Acknowledgment of his Regret for the Death of the late Archbishop. And when he came within sight of the Church where the Archbishop was buried, he alighted off his Horse, and walked barefoot in the Habit of a Pilgrim, till he came to *Becket's* Tomb. And after he had pray'd in a Posture of Prostration for a considerable time, he put himself upon extraordinary Discipline, and was scourged by all the Convent of *Christ-Church*. He spent all that Day and Night in Prayer, without the least Refreshment, and would not suffer so much as a Carpet, or any other Convenience

† A. D. 1171. *Gervas. Chron.* col. 1419.

should be brought him to kneel on †. He bestowed great Liberalities on the Church of *Canterbury*. And here the Historians observe, that the sameday he left *Canterbury*, *William* King of *Scots* was defeated and taken Prisoner at *Alnwick*. And now his Successes follow'd so fast, that within three Weeks the Invasions and Insurrections in *England* were disappointed and suppress'd, and all the Towns and Castles seized by the Enemy, surrendered to him *. This unexpected Turn of Prosperity is attributed to the Regard paid to *Becket's* Memory, and the Strength of his Patronage. And for this, the Writers of that time are almost as positive, as if they were inspired with Certainty, or had been the Archbishop's Expresses from the other World. But,

King *Henry VIII.* commanded *Becket's* Monument to be defaced, (it was a stately Mausoleum, and ornamented with Gold and Jewels of a prodigious Value,) order'd his Bones to be burnt, his Name to be eras'd out of the Kalender, and seiz'd the vast Treasure offer'd at his Shrine. We need not wonder the Wealth of this Tomb should encrease to so vast a Bulk, if we consider, that since the Reign of *K. Henry II.* few Persons of Condition went to *Canterbury* without visiting *Becket's* Tomb, and making Presents of Value. Among others, there was one almost inestimable Stone offered by *Lewis VII.* of *France*. This, our King had set in a Ring, and wore it on his Thumb. Bishop *Godwyn* reports, there were two large Chests full of Gold and Jewels secured for the King, each of which were so heavy, that they had eight Men to carry them out of the Church.

† *Matt. Paris, Hist. Ang. p. 130. Neubringen, lib. 2. cap. 34.*

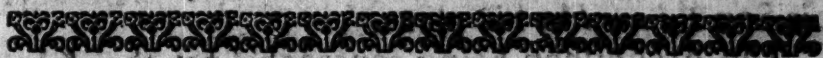
* *Hovenden, p. 38.*

WILLIAM, Bishop of Ely.

William, Bishop of Ely, Ld. Chancellor, was impeach'd upon several Articles, and particularly, the Indignity put upon the Archbishop of York and the Bishop of Durham, were urged with great Aggravation. Those Prelates and Barons likewise who were joined with him in the Administration, heighten'd the Charge, by alledging, that he had refused to take them into the *Quorum*, rendred their Commission insignificant, made himself sole Manager, and govern'd all things by his own arbitrary Fancy. Then the Archbishop of Roan, and William Marshal, Earl of Striguil, produced the King's Letters under his Seal, and dated at Messina, by virtue of which they were made Joynt Commissioners with the Chancellour in the Administration. That he was not to act without their Concurrence in the Publick Affairs; and that in case he managed otherwise, he was to be turned out, and the Archbishop of Roan put in his place. 'Twas therefore unanimously agreed by the Lords Spiritual and Temporal, that the Chancellour should be displaced, which was done accordingly.

Peter Blesensis describes the Bishop of Ely as a Person of great Conduct, Generosity and good nature; and 'twas his Probity and Merit which recommended him to the King's Favour, and preferr'd him to that Honourable Station. To this we may add, the Chancellour's Defence to the Articles above-mentioned. For the removing some of the Lords Justices, he alledged their Mismanagement,

nagement, in his Justification: That they were a Publick Grievance to the Nation; and that the People complain'd, that instead of being Governed under One King, they were fallen under the Oppression of Several Tyrants. As for his clashing with Earl *John*, and putting some unacceptable Usage upon that young Prince, he excused himself, by saying, that the Trust reposed in him, the Duty of his Station, and Justice to the Constitution, forced him to those Measures. And, to conclude, he pleaded in general, that in the whole course of his Administration he had done nothing of moment without express Warrant from the King. He was now in Custody; but Earl *John*, after a Week's Confinement, order'd him to be discharged.



HUGH, Bishop of Coventry.

IN a Parliament of King *Richard I.* *Hugh*, Bishop of *Coventry*, who had been the King's High Sheriff, was charged with High Treason, in which there was an Order of Parliament, that he should be peremptorily summoned to make his Appearance. He was afterwards banished by *K. Richard*, for caballing with his Brother *John* against the Government.

16
WINCHELSEY, Archbishop of Canterbury.

ANNO 1305. the King having lately defeated the Scots, and got over some other Difficulties in his Government, resolved to call his disaffected Barons to an account; sends for *Winchelsey*, Archbishop of *Canterbury*, charges him with being at the Head of the *Malecontents*, and lays High Treason to his Charge; particularly, that when the King was absent, upon the score of the War with *France*, the Archbishop enter'd into a Consultation with the Earls and Barons to depose his Highness, to imprison him for Life, and set up his Son *Edward* in his place.

The Archbishop being reproach'd by the King for his Perfidiousness, offered nothing in his own Justification. It seems, either his Courage or his Conscience failed him. If he was innocent, as *Bishop Godwin* seems rather to believe†, he was certainly defective in point of Resolution. For he threw himself at the King's Feet, wept, and entreated his Pardon; and which was still more remarkable, he offered the King his *Pall*, and cast his Life and Fortune upon his Mercy*. The King told him, "That notwithstanding his Crimes
"deserved it, he should not prosecute him himself;
"but leave him to the Correction of his own
"Order: That you may not pretend (says he)
"your self overborn by the Partiality of my

† *Godwin* in *Winchels*.

* *Walsingham*, p. 91.

"Courts; I shall refer the Cause to your fellow-Bishops, and the Pope, to whom you seem willing to make your appeal.

The Archbishop was so overset with this Reprimand, that he is said to have begg'd the King's Blessing †. The King reply'd, he forgot his Character, and that 'twas more proper for himself to receive the Blessing. In short, the King finding the Archbishop so unsupported in his Behaviour, was the more confirmed in his Suspicion, and complain'd to the Pope against him. Upon which he was summoned by the Pope to appear before him, and make his Defence. It seems, *Winchelsey* did not set forward in his Voyage with that Expedition was expected; upon which his Revenues were seiz'd, and himself outlaw'd. And now being reduced to extream necessity, he lay concealed for some time with the Monks of *Canterbury*. When the Archbishop came to the Pope, he found his *Holiness* strongly prepossess'd against him, and was suspended from the Administration both of Spirituals and Temporal, till he could purge himself. He continued under Incapacity during that Reign; but upon King *Edward* II's coming to the Throne he was recalled, and restored to his Archbishoprick, and died A. D. 1313. May 11. after he had sat 19 Years.

As for his Family, Historians have left us nothing. His first Education was at *Canterbury*, when the Advantages of his Person, Parts and Behaviour gave great expectation of his making a Figure. In his Youth he travelled to *Paris*, where he improved himself in Humanity, Logick, &c. and afterwards made a great progress in Divinity.

† *Antiquitat. Britan.*

In short, he was no less commended for his Improvement in Letters, than for the Regularity of his Life, and Obligingness of his Temper. Inso-much that at last, he was unanimously chosen Rector of that University. This Office he discharged to great Satisfaction. Afterwards he returned to *Oxford*, where his Preaching and Publick Disputations gained him great Reputation. And here 'twas he commenced Doctor in Divinity. And having the Character of a Man of Conduct and Experience, and one that understood Business, as well as Books, he was chosen Chancellour of the University. In this Post he was very serviceable to the Interest and Credit of the University, made several useful Provisions, and suppress'd several ill Customs. He was afterwards made Archdeacon of *Essex*, and Prebendary of *St. Paul's*. He resided constantly upon his Prebend, and expounded the Holy Scriptures every day in the Church, and was very frequent in his Performances in the Pulpit. And as for his Archdeaconry, he managed his Jurisdiction with that Prudence, Temper and Justice, that every body was pleased with him. Being thus remarkable for Capacity, Learning and Morals, his Character reached the Court, and gained him the Esteem of the King and the Nobility; and thus his Election pass'd with general Approbation. Neither was he less admired in *Italy* than at home: For when he went to *Rome* to be confirmed, Pope *Celestine* and his Court, were so much taken with his Learning and good Qualities, that they designed to make him a Cardinal, and keep him at *Rome*. And to finish this Archbishop's Character, he was very firm and faithful to King *Edward II.* and represented his Miscarriages to him with Decency and Freedom.

Adam de Orlton, *Bp. of Hereford.* 19

The Largeness of his Mind, and his Charities were very extraordinary. For besides his supporting young Scholars at the University, he used to relieve 3 or 4000 People twice a Week at his House; and as for those that were not able to come, he sent them assistance. And where Persons of better Condition had fallen to decay by any extraordinary accident, and wanted the assurance to ask, he used to relieve their Wants and their Modesty, by sending them Cloaths and Money. At Table he was affable and inoffensively pleasant; but would never endure any thing of Flattery, Detraction, or Buffoonry. He bestowed his Preferments always upon Men of Learning; and if a Divine had no Merit, but the Recommendation of a Great Man, he was sure not to speed.



Adam de Orlton, *Bishop of Hereford.*

ANNO Dom. 1324. Adam de Orlton, Bishop of Hereford, was prosecuted for High Treason, before the King and the House of Lords. The Articles charged against him were, That he had held Correspondence with the King's Enemies, appeared with the Barons in the Field, and given countenance and assistance to the Rebellion. When the Articles were read, the Bishop had a great deal of hard Language given him for his Disloyalty, of which he seemed to take no notice. At last, addressing himself to the King, he made this Defence: "Sir, (says he) with all due regard to your Highness, I am an humble Minister of the Church of God, and a consecrated Bishop, tho' unworthy

“unworthy of that Station. My Character being
 “thus, I neither can, nor ought to answer to
 “an Impeachment of this high nature, without
 “Leave from my Metropolitan the Lord Arch-
 “bishop of *Canterbury*, who, next to the *Pope*, is
 “my immediate Judge. The Connivence or
 “express Consent of the rest of my Brethren, is
 “likewise requisite in this case.

Upon this Answer, the Archbishops and all the
 Bishops present, rising up, entreated the King's Favour
 for the Bishop of *Hireford*, and begg'd him to admit
 his Excuse: and when they perceived the King
 too angry to be thus pacified, they insisted upon
 the Bishop's being a *Clerk*, and claimed the Pri-
 vilege of the *Church*. The King giving way to
 their Importunity, delivered him to the Custody
 of the Archbishop of *Canterbury*, with a design
 however, to call him to an account upon the
 Articles above mention'd. In short, some few days
 after, the Bishop was brought to his Tryal at the
 King's *Bench Bar*. These Proceedings being lookt
 upon as a Violation of the Liberties of the *Church*,
 the Archbishops of *Canterbury*, *York* and *Dublin*
 came immediately with their *Crosses* erected into
 the *Court*, and carried off the Bishop, without giv-
 ing him time to answer to the Indictment.

Notwithstanding this Rescue, the King, who
 was surprized at the Hardiness of the Clergy,
 commanded the Jury to bring in their Verdict;
 who, either over-aw'd by his Highness, or out of
 Disaffection to the Bishop, or being satisfied with
 the Evidence against him, found him guilty of
 every Article of the Charge. The King making
 use of this Advantage, seized his Estate for him-
 self. He was suffered to remain in the Custody of
 the Archbishop of *Canterbury*, who afterwards made
 his Peace with the King. He was the first of
 any

any Bishop in England who was brought to a Tryal of this kind in the Temporal Courts; but the Bishop refusing to take his Tryal in the House of Lords, the King was resolved to bring him under the Cognizance of a *Common Jury* †.

Some time after, he preach'd a Sermon before the Queen and Prince, as they lay with their Army at Oxford, took his Text out of 2 Kin. 4. 19. *My Head, my Head.* From these Words he rais'd a treasonable Doctrine, and endeavour'd to persuade the Audience, That since the Head of the Government was seized with an incurable Distemper, since proper Applications had prov'd unserviceable, the *Body* ought not to be governed any longer by it. But in the following Reign,

Adam de Orleton, Bishop of Worcester, and afterwards Bishop of Winchester, was charged with the following Articles: *First*, That he had order'd *Robert Baldock*, Clerk, and Lord Chancellor, to be seiz'd and imprisoned in November 1326. *Secondly*, That in the same Month, he call'd King Edward II. a Tyrant, in his Sermon at Oxford, and endeavour'd to persuade his Subjects to imprison and depose him. And *Lastly*, That by the said Bishop's Advice, Queen Isabel lost the King her Husband, (A. D. 1334.) The Bishop, in his Defence, alledged, That the Deposing King Edward was an Act of the Kingdom, and that he did no more than concur with the Publick Resolutions. The rest of his Justification was managed much after the same shuffling and evasive manner ‡. And besides all these Misdemeanors, he had misbehaved himself in his late Embassy to France, where

† *Walsingham, Hist. Angl. p. 119.*

‡ *Apolog. Adæ, Orleton inter X. Script. col. 2764. & deinc.*

22 Stephen de Gravesend, Bp. of London.

he had betrayed his Master's Business, and discover'd himself in the *French King's* Interest †. However, he was so successful, as to baffle the Prosecution, and recover the King's Favour ||.

† *Antiq. Britan. in Stratford*, p. 221.

|| *Angl. Sacr. Part I.* p. 534.

Stephen de Gravesend, Bishop of London.

Stephen de Gravesend, Bishop of London, was consecrated in *January 1319*, by Archbishop *Reynolds*. This Prelate was firm to *K. Edw. II.* appeared boldly against the Deposing Ordinance, and refused to swear Allegiance to the young King ||. He was very much insulted and harrassed for his Loyalty. Two Years after the Murther of the late King *Edward*, there was a Report he was living, and kept in Prison †. *William*, Archbishop of *York*, and this *Stephen*, Bishop of *London*, were charged with a Design to enlarge the late King, and restore him. The Earl of *Kent* was beheaded upon this Impeachment. The same matter was proved, or pretended so, upon the Bishops; but their Impeachment was discharged by Act of Parliament.

|| *Spotswood, Hist. Scot.* p. 99.

† *Wharton de Episc. Lond.*

Archbishop

Archbishop STRATFORD.

Archbishop *Stratford* charged with High-Treason for corresponding with *Philip* of *France*. The King giving Credit to this Information, order'd the Archbishop, the Bishop of *Chester*, Lord Chancellor, and the Bishop of *Coventry*, Lord Treasurer, to be taken into Custody, and brought to an Account for their Management.

During the King's absence, the next Morning after this was resolv'd in Council, the Messengers came to *Lambeth* to seize the Bishop, but not finding him there, they came back to *London*, and apprehending the Bishops of *Coventry* and *Chichester*, with some others in their Warrant, carried them to the Tower. The Archbishop having notice how Matters went, made haste to *Canterbury*, and was immediately follow'd by Sir *Nicholas Cantelope*, who was sent to him with a Message from the King: Sir *Nicholas*, who took a Publick Notary along with him to make Evidence of what pass'd, requir'd the Bishop in the King's Name to perform his Promise made at the entring upon the *French* War; and that since he had engag'd himself under Securities to the *Flemish* Merchants, to repay such Sums of Money as the King should take up for the Service of the War, he would satisfie the Debt; and that now, in regard the Time was expir'd and the King was call'd upon for Payment, he would either furnish the Sum, or else go into *Flanders* and deliver himself to the Creditors till the Debt was discharg'd.

The

The Archbishop desir'd time to give in his Answer to these Demands: And now perceiving the Tide run high against him, and that they struck at his Life and Fortune, he endeavour'd to retrieve his Interest with the King; to this Purpose, he wrote to him to guard against ill Advice, and not give Ear to those who made it their Interest to Inform against others; that such ill-dispos'd Persons might ruin his best Ministers and prove unserviceable to the Publick Repose. These Topics of Freedom being misman'd and carried too far, the King was by no means satisfied with the Application.

The Archbishop finding himself unsuccessful this way, began to commend his Administration and set forth his Service to the King and Kingdom; and to do himself Justice to the more Advantage, he preached at the Cathedral at Canterbury upon this Text, *He was not moved with the presence of any Prince, neither could any bring him into subjection*: Upon these Words he took occasion to run out upon a long Commendation of Archbishop Becket, for retiring from the State to the Church, and preferring the Mitre to the Chancellor's Mace; after this he blam'd himself for going too far in the Business of the Commonwealth, and neglecting the Function of his Character; that by laying out too much of his Time and Inclination upon Foreign Employments, he had justly drawn the Publick Envy upon him, and run the hazard of his Life; and that for the future he promised to disentangle himself, and be more vigilant in the Government of his Province. After this he publish'd several Articles of Excommunication, with the Customary Solemnity of Bell, Book and Candle, hoping to skreen himself from the Prosecution by this Expedient. By this Stroke of Discipline,

Discipline, all those were excommunicated who disturb'd the Kingdom, who offered Violence to Clerks or seized their Estates, who broke in upon the Privileges of the Church or the Liberties of *Magna Charta*, who were guilty of making false Information against any Person, and especially those who should mis-report their Metropolitan or Bishop to the King, and accuse them of Treason or any other Capital Crime without Ground or Evidence.

This Excommunication being thus denounced in the Cathedral of *Canterbury*, he order'd the Bishop of *London* and all his Suffragans to do the same thing in their respective Diocesses.

The King to disarm the Bishop's Discipline wrote to the Bishop of *London*, acquainting him, " That he was led into the present War by the
" Archbishop's Advice ; and that he who had engaged him in so dangerous an Enterprize, had
" now gone into the Interest of his Enemy ; and
" after so much Blood and Treasure had been
" spent, perswaded him to drop his Right, and
" disband his Army ; and that whereas he had
" promised him to furnish him with Money for his
" Troops, and discharge the Loan received from
" *Flemish* Merchants, he had failed in these Engagements, and brought a Blemish upon the
" Publick Credit ; and lastly, when he designed
" to call him to an Account for his Management
" of the State and the Trust he had repos'd in him,
" he endeavoured to cover himself with his Character, and Fence against Justice with Excommunications.

Not long after the King sent *Ralph* Lord *Stratford* to the Archbishop, requiring him to come to Court forthwith, and give his Opinion with the rest of the Barons upon the War with *France*.

The Archbishop's Answer was, That he desired time to direct his Thoughts farther in this Matter. And now he had still more Business upon his Hands; for the Duke of *Brabant* sent his Agents to him; and when he refused to see them, they Posted up their Instruction upon a great Cross before the Gate of the Priory; the Contents of the Paper was, that the Duke of *Brabant* summoned *John* Archbishop of *Canterbury* to make his Appearance in his Courts of Justice in *Flanders*, and to remain in that Country pursuant to his Oath, till the King his Master's Debts were discharged. Whilst the Archbishop's Affairs were thus embroiled, the King sent a Copy of this Letter to the Bishop of *London*, to the Prior and Convent of *Canterbury*, with Orders to have it publicly read. This Letter the Convent brought to the Archbishop, who after the Perusal, called the Clergy and Burghers into the Cathedral, and endeavoured to justify his Conduct and Integrity in the King's Business: This was done in an Harangue from the Pulpit; afterwards he ordered the King's Letter to be read, replied to the Articles upon which he was charged, and then drew up his Defence in Writing, and got it dispersed throughout the whole Province.

Soon after the King had thus publish'd his Dislike to the Bishop's Proceedings, there was an *Information* preferr'd against him, and he was summoned to appear and account for his Practice.

Archbishop *Stratford* not thinking it safe to cast the Cause upon this Issue, refus'd to Plead to a Charge of so High a Nature, unless before the Lords Spiritual and Temporal in Parliament. It was not long before the Parliament was call'd, and the Archbishop had a Protection from the King to secure him from Danger: Being thus fortified, he came to *Westminster* with a Pompous Attendance of

of Clergy and other People of Fashion; but, upon his going to the Parliament House, the Lord Steward of the Household, and the Lord Chamberlain, charg'd him in the King's Name, not to go in till he had made his Appearance in the Court of Exchequer, and answer'd to the Articles against him. The Archbishop, to satisfy the King's Order, appear'd at the Exchequer, receiv'd a Copy of the Charge, and promis'd to return his Answer, after time for considering the Articles; upon this he had the King's Commission for coming into the Parliament-House, where he declar'd before the Lords, That the Rights and Liberties of the Church, the Interest and Honour of the King and Kingdom brought him thither; and that likewise since several Crimes had been publickly laid to his Charge, he came to clear himself from those Imputations in full Parliament. That Day the House was adjourn'd, and nothing done.

The next time the Archbishop attempted to go to the House, one William Atterwood, a Person belonging to the Court, charg'd him in the King's Name not to go in: Upon which the Archbishop applying himself to the Standers-by, Gentlemen, says he, *the King hath summoned me by his Writ to Parliament, and here as one of the greatest Peers of the Realm, and having the Privilege of the first Vote; I insist upon the Rights of my See of Canterbury, and demand the Liberty of coming into the House.* And when he found the Door secured by the Guards, and that his getting in was Impracticable, he took his Cross in his Hand, and protested he would not retire till he had the King's leave to enter the House; and being threatned and male-treated by some of the Company, he began to grow warm at the Affront, and bestow some hard Wishes upon his Enemies; *The Curse of Almighty God, says he, and the blessed Virgin, light upon*

the Heads of those who misrepresented me to the King, and procur'd this usage upon me. This Noise and Disturbance made several of the Lords come out, whom the Archbishop desir'd to use their Interest with the King in his Behalf. In the mean time several Articles were drawn up against the Archbishop, and made Publick, to bring him under a general Odium. At last, by the Lords Interceding, the King was somewhat mollified, and the Archbishop was admitted to come into the Parliament House, where he submitted to a Legal Tryal, and offer'd to Plead to the Impeachment.

The King complains of this Prelate in his Letters. The Articles drawn up against him, and other Preparations for his Tryal, seem only to be done *ad faciendum Populum*. In short, it looks highly probable, the Young King had been either misled or over-liberal to his Favourites; great Taxes had been rais'd, to make way for the Conquest of France, and yet the Peoples Expectations were baulked, and the Expeditions had by no means answered up to the Prospect and Expence: That the Subject therefore might not be backward to contribute to the Support of the War, 'twas thought advisable to lay the Publick Miscarriage upon the Archbishop: By this Expedient the King would be skreen'd the Court lie under shelter, and the People better dispos'd for the Payment of another Tax; and tho' some suspected the Archbishop was gain'd by the Pope to clog the War, by not furnishing the Money in due time, and that he perswaded the King to drop the Enterprize and make a Peace: Notwithstanding this Conjecture, I say, there was two Things which go a great way in the Archbishop's Innocence: First, 'Tis highly probable the King was satisfied of Stratford's Integrity, because when upon the breaking up of this Parliament, he made
another

another Expedition into *France*, he took the Archbishop into favour, and made him one of his chief Ministers of State. Secondly, Because in the next Parliament, held Two Years after, the King commanded that the Articles of Impeachment drawn up against the Archbishop of *Canterbury*, should be brought into the House to be annull'd and declar'd insignificant. The Motive assign'd for this Order, is, Because the Matter contained in the said Articles was neither Reasonable nor True.

These Things put together, amount, in my Opinion, to a full Evidence for the Archbishop's Justification.

Upon the Eve of *St. Bartholomew*, in the Year 1348. the Archbishop departed this Life. This Prelate in the general Defection against *Edward II.* held firm to the Crown; and therefore, the Story of his drawing the Deposing Articles, was without doubt no better than a Calumny rais'd by *Orlton* Bishop of *Hereford*, to give a Colour to his own Treason: Indeed, this *Orlton* was so notorious a Rebel, that there is little Credit to be given to his Testimony; especially since we find him convicted of Falshood in the House of Lords in another Case; he charged Archbishop *Stratford*, with advising the King to do Homage to *Philip of France*, and that *Stratford* suggested these Measures without consulting the Privy Council. But these Depositions were fully disprov'd, and Evidence produced that the Archbishop knew nothing of the Matter.

To conclude this Archbishop's Life, he was remarkably Charitable, and used to give every Day Money and Provisions to about Forty People with his own Hands, besides the other Charity from the Remains of his Table; to which we may add large Distributions of Money, sent to Poor Women Lying-in, and other Indigent Persons. He was likewise

wise a very Gentle Good-natur'd Governor, and chose rather to relax a little in the Canon, than come to the Extremities of Discipline. He was Born at *Stratford* in *Warwickshire*, where he built a stately Collegiate Church. He was a Prelate of Learning, and thoroughly acquainted with the Canon and Civil Law. He sat Thirteen Years, Six Months, and some odd Weeks, and was buried in *Christ-Church, Canterbury*. The King was in *France* when *Stratford* died; but he had put the Administration into so good a Method, that the State suffered nothing by the King's absence.



WILLIAM of Wickham, Bishop of Winchester.

William of Wickham, Bishop of Winchester. His Father's Name was *John Perrot*. But this William being born at *Wickham* in *Hantsire* in 1324. took his Surname from thence, according to the Custom of the Clergy of that Age. His Father's Circumstances being slender, one *Nicholas Wedale*, a Gentleman in the Neighbourhood, supplied the Charge of his Education. He was first bred at *Winchester*, and afterwards went to *Oxford*, where he spent his time in the Study of *Arithmetic*, *Geometry*, and more particularly in the *Civil* and *Canon Law*. After six Years continuance in *Oxford*, his Patron *Wedale*, then Governour of *Winchester-Castle*, took him into his Family, and made him his Secretary. Afterwards he became known to King *Edward III.* who perceiving him

a Person of good natural Parts, and of a Genius for *Mathematicks* and *Architecture*, made him the Surveyor of his Buildings. His Direction for the Rebuilding of *Windsor-Castle* gave great Satisfaction, and occasioned his Promotion at Court; where he passed through the Offices of Secretary of State, Privy Seal, Master of the Court of Wards, Receiver-General of the King's Revenues in France, &c. He was preferred to the See of *Wimborster* in the Year 1367. and soon after made Lord Chancellor of England. 'Tis said, that King *Edward III.* perceiving *Wickham* somewhat forward in grasping at this Bishoprick, he put him in mind of the Disadvantages of his Birth and Learning: To which *Wickham* replied, that tho' he was but a moderate Scholar himself, he would take effectual care to make a great many good ones. In the latter End of the Reign of King *Edward III.* when the Administration was in the hands of the Duke of *Lancaster*, *Wickham* was charged with embezzeling the King's Revenues, and misbehaving himself in his Court-Preferment. For this Mismanagement he was prosecuted in the *King's Bench*; Sir *William Skipwith*, then Chief Justice, procur'd a Verdict against him, and gave him no liberty to make his Defence. Upon this, at the Instance of the Duke of *Lancaster*, his Temporalities were seized, and he was forbidden to come within twenty Miles of the Court. And after he had liv'd about a Year and half under this Disgrace, he made his way back to the King's Favour, and recover'd his Temporalities. By the Interest of *Alice Pierce*. *Wickham's* Affairs being thus restor'd, and his Fortune increasing, he began to work upon the Models of those Noble Foundations projected by him. He began the building of *New College* in *Oxford* in 1379, and finished it in seven Years: The Endowment

ment was no less Noble than the Structure, there being a Provision made for a Warden, and seventy Fellows and Scholars, besides Chaplains, Organist, Choristers and College-Servants, amounting in all to the Number of 235.

His College at *Winchester*, which he designed as a Nursery for that at *Oxford*, was begun in the Year 1387. and finish'd in 1393. Upon this Foundation he settled an Estate, for a Warden, Ten Fellows, two School-masters, and seventy Scholars. His Capacity and Prudence, in providing for the Government of these two Colleges was no less remarkable than his Munificence. His Statutes being drawn up with that Judgment and Reach of Thought, that they have been transcribed for the Benefit of other Houses, and served as it were for a Pattern to the principal Colleges in *Oxford* and *Cambridge*. Besides these Noble Benefactions, he built the Nave of *Winchester-Cathedral*, exhibited 52 Scholars in *Oxford*, and always maintained 24 poor People in his Family. He died in 1404, and lies buried in his Cathedral, where a stately Monument is erected for him.



**HUGH PATESHUL, Bishop of Coventry,
Lord Treasurer of England.**

HUGH Pateshul, Lord Treasurer of England, was Son to *Simon Pateshul*, some time Lord Chief Justice. He was consecrated in July, 1241. He was a Person of Letters, and unblamable in Life and Conversation. He was charged with High

Alexander Nevill, Archbp. of York. 55

High Treason, with Archbishop Stratford and his Brother, and put in the Tower, with the Bishop of Chichester, Archbishop Stratford's Brother. He died an untimely Death in 1348.



WILLIAM de Melton, Archbishop of York.

William de Melton, Archbishop of York, impeached for designing to enlarge King Edward II. but the Impeachment was discharged by Act of Parliament. He was consecrated at Avignon in 1317. He managed the Diocese to a great degree of Commendation, and was remarkably regular in his Life. He was a great Example of Discipline and Devotion. His Charity and Hospitality were answerable to the rest of his good Qualities. He died A. D. 1340. after he had late about three and twenty Years, and had discharged the Offices of Treasurer and Lord Chancellor.



ALEXANDER NEVILL.

Archbishop of York.

Alexander Nevill, Archbishop of York, was Charg'd with misleading the King into Arbitrary Measures, with lessening the Royal Revenue, granting away the Crown-Lands, &c.

Part

Part of his Sentence was, that his Temporalities should be seiz'd to the King's Use ; but as for the Punishment of his Person, since there was no President for Direction, the Lords desir'd time for Consultation, that by deliberating upon the Point, they might pitch upon such an Expedient, that neither the Privileges of the *Holy Church*, the Honour of Religion, or the Laws of the Realm might receive any Prejudice * ; at last they came to this Resolution, That the Archbishop should be imprison'd in the Castle at *Rochester* during Life ; but not being in their Hands, he avoided the Execution of the Sentence, and made his Escape into *Brabant*. Pope *Urban*, either to cherish him under his Misfortunes, or to get an Opportunity to dispose of his Bishoprick, Translated him to the See of *St. Andrew's* in *Scotland* ; but the *Scots* being in the Interest of *Clement*, *Urban's* Competitor, refused to receive the Archbishop. In short, this Prelate was so straiten'd in his Circumstances, that he was forced to turn Curate at *Louvain*, in which Private Employment he died in 1391. He was a Person very nobly Extracted, but not at all happy in his Conduct, or acceptable in his Province.

* Brady's *Cnt. of the History of England*. p. 385.



THOMAS ARUNDEL, Archbishop of Canterbury.

ON the Twentieth of September, 1396, *Thomas Arundel*, Archbishop of *Canterbury*, was Impeach'd for High-Treason.

The

The chief *Article* of the *Charge*, was, for that being Bishop of *Ely*, and Lord Chancellor, he was Traiterously aiding, procuring and advising in making a *Commission*, directed to *Thomas Duke of Gloucester*, *Richard Earl of Arundel*, (the Archbishop's Brother,) and others, in the Tenth Year of the King's Reign; and procur'd himself, one of the Chief Ministers of State, to be put in the said *Commission*; which *Commission* was apparently prejudicial to the King's Prerogative and Dignity: And the said *Thomas* put the said *Commission* in Execution.

To this the King answer'd, That in regard the Impeachment touch'd so Great a Person, and a Peer of the Realm, he would be farther advised.

The *Commons* resolving not to give over pressing the Prosecution the next Day, pray'd the King he would please to order such Judgment against the Archbishop as the Case requir'd. The King replied, The Archbishop had confess'd to him before several Lords, that he was mistaken in executing the *Commission* above-mention'd, and cast himself upon the King's Mercy. Upon this, the King, the Lords Temporal, and Sir *Thomas Piercy*, Proxy for the Bishops and Clergy, declar'd the *Article* confessed by the Archbishop to be Treason, and adjudg'd him a Traytor. Whereupon 'twas order'd, that the said Archbishop should be banish'd, his Temporalties seiz'd, and his Goods and Chattels forfeited to the King, who was to appoint the Time for his quitting the Kingdom. His Majesty allow'd him Forty Days to prepare for his Exile; within which time he was oblig'd to depart the Kingdom, under the Penalty of losing his Head,

He went first into *France*, from thence to the Court of *Rome*, where Pope *Boniface* the Ninth gave him a Friendly Entertainment, and wrote to the King to pass over the Offence, and re-admit him to his Favour; but the King would not comply with this Request of the Pope; whereupon the Pope promoted the Archbishop to the See of *St. Andrew's* in *Scotland*, and (which was a more disoblighing Stroke) he design'd to give him several Preferments in *England*, by way of Provision. The King being inform'd of the Pope's Intentions, wrote an Expostulatory Letter to his Holiness, which made such an Impression upon the Pope, as brought him to a thorough Compliance.

Afterwards he joyn'd the Duke of *Hereford*, and help'd to Depose his Lawful Sovereign *Richard II.* made a Satyr upon his Reign, and Flourish'd upon the Happiness they might expect from King *Henry*; and said, That before Right was oppress'd, and the Constitution over born; now the Estates would recover their Interest, the Laws would revive, and Justice have the Ascendant. In a Word, this Harangue was suited to the Gust of the New Court, help'd to convey the Violence out of Sight, and did the Business for which 'twas design'd.

He died *February 19. 1413.* at *Canterbury*, after he had sat Seventeen Years, and was buried there.

To say something farther of him; He was Son to *Richard Fitz. Allen* Earl of *Arundel* and *Warren*; was a Person of great Natural Capacity, well improv'd by Study and Experience; He wanted neither Learning, Courage, or Activity to qualify him for his Station. Notwithstanding these Advantages, his Conduct was not altogether unblemish'd; His concerting a Practice with the Duke of *Hereford*, appearing so forward in the Revolt against King *Richard*, and Flourishing in his Sermon

in Commendation of the Usurper, were Failures of no ordinary Size. 'Tis true, he had been banish'd and ruggedly used by King Richard; but notwithstanding this Treatment, the manner of his redressing his Grivances was altogether unwarrantable.

THOMAS RUSHOOK, *Bishop of Chichester.*

ON the Sixth of March, Thomas Bishop of Chichester, was impeached by the Commons for being present when the Questions were put to the Justices, and threatening them into the Answers afore-mention'd. Tho' the Bishop denied the Charge, the Lords Temporal found him guilty of Treason, and pronounced the same Sentence as they had lately done in the Case of the Archbishop of York; and afterwards 'twas order'd by the Lords in Parliament, that this Bishop should be banish'd into Ireland during his Life.

THOMAS MERKS, *Bishop of Carlisle.*

THOMAS Merks, Bishop of Carlisle, was remarkably Loyal to his unfortunate Master, Richard II. refused to forsake him in his greatest Extremity; and when it was propos'd in Parliament what should be done with (the late) King Richard, this worthy Bishop stood up and made an
Excellent

38 **THO. MERKS, Bishop of Carlisle.**

Excellent and Loyal Speech, That they ought not to proceed to a Judgment against King Richard for Four Causes :

First, That the Lords had no Power to pass Judgment upon him that was their Superior, and the Lord's Anointed.

Secondly, That they obey'd him for their Sovereign Lord and King Twenty two Years, or more.

Thirdly, If they had Power to give Judgment against him, they ought in Justice to call him to his Answer; for that, said he, is granted to the cruellest Murderer, or arrantest Thief in ordinary Courts of Justice.

Fourthly, That the Duke of Lancaster had done more Trespas to King Richard and this Realm, than King Richard had done to him or them, &c.

But the Revolution had gone too far to pass over so shocking a Speech. The Bishop therefore was Arrested in the House by the Earl-Marshal, and committed to Prison in the Abbey of St. Alban's.

That which seems to hasten King Richard's Death, was an Attempt of the Earls of Kent, Salisbury and Huntington for his Restauration : These Lords, and some others, design'd to seize King Henry at Windsor, where they pretended the Diversion of a Christmas Mask. When they came to Windsor Castle, they found the Plot discover'd, and King Henry withdrawn to London : In short, after some little struggle, they were all crush'd. The Bishop of Carlisle, who had recover'd his Liberty, was Try'd for being concerned in this Attempt, and found

Richard Scroop, *Archbishop of York.* 39

found Guilty : However, King Henry, either out of Regard to his Character or his Constancy, did not take the Forfeiture of his Life ; but that a Person of such Incompliance might give no farther Disturbance to King Henry, the Pope forc'd him to quit his See, and submit to a Translation to *Samo*, in the Island of *Cephalonia*. But the Bishop dying soon after, disappointed the Pope, and escap'd the Rigours of the Revolution.

Richard Scroop, *Archbishop of York.*

ANNO Dom. 1405. About this time Richard Scroop, Archbishop of York, Thomas Mabrey Earl Marshal, Henry Percy Earl of Northumberland, and the Lord Bardolph, entred into a Concert to depose King Henry. The Reasons upon which the Archbishop engaged in this Attempt, were these :

First, Because King Henry, when Duke of Lancaster, had sworn at Chester, not to push this Quarrel to a Rebellion, nor consent to the deposing of King Richard ; and that after the said Duke of Lancaster had broken this Engagement, forced King Richard to resign, and seiz'd the Crown, the Archbishop of York advised him to repent, but without effect.

2dly, The said Archbishop insisted, that the Government might run in the Channel of the Constitution, the Crown be restored to the Right Line, and the Church of England enjoy her ancient Rights and Privileges.

3dly. That

34th, That the Barons of the Kingdom might have the Privilege of their Condition, and be try'd by their Peers.

45th, That the Clergy and Layty might not be oppress'd with Tents, Fifteenths, Subsidies, and other unreasonable Impositions. The reason of this Article, was, because the King had sworn at *Knaresborough-Castle*, that the Clergy should never pay a Tent, nor the Layty be burthen'd with any Tax during his Reign.

56th, 'Twas provided by this Scheme, that when the Crown was restor'd to the Right Line, the Court should be furnish'd with Men of Honour and Integrity; and that those who were remarkable for Covetousness and Ambition, should be discharg'd.

61th, That the Sheriffs should be chosen by the Freeholders of the respective Counties, without having any Person put upon them *.

These Articles being fix'd upon the Doors of the Churches and Monasteries in *York*, drew a great many of the Gentry and Burghers into the Enterprize. The Regard they had for the Archbishop, made them more inclined to engage. For, by the way, he was not only a Person of Noble Birth, but very unexceptionable in his Life, and eminent for his Learning.

The Earl of *Westmoreland* receiving Intelligence of this Commotion, levied what Forces he could, and march'd towards *York*, with a Design to fight

* *Angl. Sacr.* Part II. p. 369.

the Enemy: but finding the Archbishop much superiour in Number; he sent a Trumpet to demand the Reason of their appearing in Arms, and breaking the King's Peace. The Archbishop sent him word, that his Design was not to disturb, but to settle the Publick Peace; that to this purpose he was marching, with a Request to the King, and had taken a Guard for his Security; that he hoped his Remonstrance would be serviceable to the Kingdom, and gave the Messenger a Copy of it.

The Earl of *Westmoreland*, who's Business was to gain time for a Reinforcement, and draw the Enemy into a Snare, seem'd pleas'd with the Articles, commends the Archbishop for his Probity and Publick Spirit; and desir'd they might have an Interview at some distance from their Forces. The Archbishop being glad to hear the Proposal of an Accommodation, prevail'd with the Earl *Marshal*, tho' against his Inclination, to go with him to the Place assign'd. In short, the Treaty came on; the Articles were read and agreed to by the Earl of *Westmoreland*, who without any Difficulty undertook they should all be made good by the King. And now, to finish the Ruin of the Archbishop and his Party, he told them, Since they had been so happy as to adjust their Differences, it would be proper to give some Signs of their Friendship, and to Drink to each other in view of their Men: After this Ceremony had pass'd, the Earl suggested, the next good Office they could do for their Country, would be to disband their Forces. The Archbishop, who had more Sincerity than Caution, sent his Troops word, That the Treaty was concluded, their Terms granted; and that now there was no farther Occasion to continue in the *Field*. The Men, most of them not being bred

G

Soldiers,

Soldiers, were pleas'd at the News, and disbanded upon Order.

The Earl of *Westmoreland*, instead of sending his Men home, kept them together, and had fresh Supplies sent him. And thus the Archbishop was circumvented: and himself, and the Earl *Marshall* Arrested by the Earl of *Westmoreland*. They were promis'd an Indemnity, but that Article was over-ruled, and both of them Beheaded soon after: for upon the * Eighth of June following, the King came down to *Bishops Thorp* near York, order'd Sir *William Gascoign*, Chief Justice of England, to try the Archbishop for High-Treason: But this Judge refused to act upon the Bench, told the King that by the Constitution, neither his *Higness*, nor any Person commission'd by him, had any Authority to sit up in the Life of an Archbishop. His meaning must be either that Bishops were Privileg'd by their Character, from the Jurisdiction of Secular Courts, in Cases of Life and Death; or else that they were to be try'd by their Peers.

The King being very angry with *Gascoign* for declining to try the Archbishop, commanded Sir *William Fulthorp* to perform the Office, and made him a Judge for that Purpose. *Fulthorp* ordering the Archbishop to be brought before him, condemn'd him for a Traytor; adding, that he was to be Beheaded by the King's Order: Upon which, the Archbishop appealing to God, declar'd *He never intended any harm against the King's Person*. He was Executed the same Day. He justify'd his Undertaking to the last; and his Behaviour upon the Scaffold appear'd very Pious and Compos'd. He was nobly Extracted, and Brother to *William Scroop*

George Nevil, Archbishop of York. 43

Earl of *Wiltshire* and Lord *Treasurer*. The Gravity of his Behaviour, and the Obligingness of his Temper, the Sanctity of his Life, and his extraordinary Learning, made him much regarded and beloved; and might possibly give occasion to the Report of his working Miracles after his Death.

He was the first Bishop that had ever suffered by the Sentence of the King's Judges†. He was bred at *Oxford*, where he commenc'd *Master of Arts* and *Doctor in Law*. He travell'd into *France* and *Italy*, and became an Advocate at *Rome*: Upon his Return he was made Lord Chancellor of *England*; and in 1396. promoted to the See of *Litchfield and Coventry*, and was thence removed to the Archbishoprick of *York*, and manag'd that Charge with great Commendation.

† *Angl. Sac.* Part II. p. 376. *Fabian*, f. 167.

GEORGE NEVIL, Archbishop of York.

GEORGE Nevil Archbishop of York, was Son to Richard Earl of *Salisbury*: His Brother, the Great Earl of *Warwick*, got him preferred to the See of *Exeter*, before he was of Age to be Consecrated. He was made Lord Chancellor in 1460. being then, as *Godwin* reports, but Twenty five Years old. When the Earl of *Warwick* was suspected of a Revolt to the late King *Henry*, King *Edward*, to weaken that Malecontent's Interest, took the Broad Seal from his Brother George; but afterwards, when the late King *Henry* was taken

44 George Nevil, Archbishop of York.

Prisoner, and the Earl of *Warwick* was so Politick as to conceal his Disaffection to the Government, King *Edward* made no Opposition to the Bishop's Promotion in the *Church*, but seem'd to be contented with his being translated from *Exeter* to *York*. But about Three Years after, the Earl of *Warwick* declaring openly for the Restoration of *Henry*, the Archbishop of *York* deserted the Crown, and went into his Brother's Interest; and when King *Edward* was surprized in his Camp at *Wolney*, and taken Prisoner, the Earl of *Warwick* put him into the Hands of this Archbishop, who convey'd him to *Midlam* Castle in *Yorkshire*. It must be said, he treated the King honourably under his Confinement, and gave him Liberty to Hunt in the Park with a slender Guard: By which Civilities (if I may call them so) he made his Escape, and recover'd his Kingdom *.

After the Battles of *Barnet* and *Tewksbury*, when the *Lancastrian* Party was wholly suppress'd, Archbishop *Nevil* was committed to Prison; but *Henry VI.* being now dead, and the King deliver'd from the Apprehension of a Rival, he gave this Prelate his Liberty.

About a Year after, when the King kept his Court at *Windsor*, the Archbishop invited him to Hunt in *Moor-Park* in *Hertfordshire*: The King perceiving he had now an Opportunity of executing his Design against *Nevil*, accepted the Invitation, and appointed the time. The Archbishop, to make the better Preparation to receive the King, order'd a great Quantity of Wrought Plate, which had been hid during the Wars, to be brought to the House; borrow'd a great deal of his Neigh-

Habbington hours,

hours, and in short, was every way fitted for a most Magnificent Entertainment. The Day before the King was to come, he sent Two Gentlemen down to *Moor-Park*, with a Commission to Arrest the Archbishop for High-Treason. The Particulars of the Charge were, That he held Correspondence with the Earl of Oxford, who had now Fortify'd himself at St. *Michael's Mount* in Cornwall.

And thus the Archbishop's Rich Furniture, Plate, and Money were all seized, to the Value of 20000 Pounds; and himself Imprison'd. Amongst his other Effects he lost his Mitre, which was taken in Pieces, and the Jewels set in the Crown: The rest of his Temporal Estate, and the Revenues of his Archbishoprick were likewise seiz'd.

After he had continu'd under Confinement Four Years, he was sent Prisoner to *Calais*, where he pass'd his time in a very unfurnish'd Condition. At last the Interest of his Friends procur'd him a Discharge: But 'twas thought the unexpected Hardships he had met with occasion'd his Death, which happen'd A. D. 1476. the same Year he was enlarg'd.

THOMAS WOOLSEY, Archbishop of York.

IN the Year 1523. Aug. 28. This Cardinal was tried by *Hales*, the Attorney-General, and indicted upon the Statute against Purchasing Bulls, Instruments, Process, &c. in the Court of Rome, or elsewhere, against the King, his Crown

Crown and Dignities *. He was allowed to appear by his Attorney.

The Indictment set forth, That Thomas, Legate de Latere, Archbishop of York, being not ignorant of the Premises, had obtained several Bulls from Clement the 7th, by virtue of which he exercised Authority Legantine, to the deprivation of the King's Power established in his Courts of Justice: Which said Rules he caused to be publicly read in Westminster, assuming to himself thereupon the Dignity and Jurisdiction of Legate de Latere; which he has exercised to this day; to the Prejudice of both Secular and Ecclesiastical Persons; and that by colour thereof, he had given away the Church of Stow-Guilford in the County of Surrey, &c. All which was to the Contempt of the King and his Crown, and contrary to the Statute of 16. Richard II. Moreover, by colour of the said Authority, he had caused the Last Wills and Testaments of many (out of his Diocese) to be exhibited and proved in his Court, and their Goods and Chattels to be administered by such as he appointed: Also, that under colour of this said Authority, he had made divers Visitation out of his Diocese, and drawn Penfions from Abbies, to the Contempt of the King and his Laws.

The Cardinal not being in Court, before the Tryal came to Conviction, some of the Judges were sent down to Ashur to receive his Answer.

The Cardinal justify'd the Exercise of his Legantine Character to the Judges who went to examine him. He told them, he had the King's Licence under his Hand and Broad Seal to indemnify him; but that he could not produce the Instruments, because his Trunks and Coffers were seized. And that he did not mis-report the matter; I shall

prove to a Demonstration: However, not thinking it advisable to maintain his Conduct, he confess'd the Indictment, sent his Submission, and cast himself upon the King's Honour.

But nothing could stop the Motion of his Misfortunes: For not long after, several Lords and others of the Privy Council exhibited Articles to the King against him.

The 28th Article declares expressly, he had the King's Licence to exercise his Legantine Authority. And since he had the King's Leave, and was admitted by his Highness, (as the Article speaks) to be a Legate within this Realm; was it not a great Hardship he should be indicted upon the Statute of *Præmunire*? For, as it appears by the Process, he was not prosecuted so much for the Abuse, as for the using his Legantine Commission. † 'Twas for causing the Pope's Bull to be publicly read in Westminster, and assuming to himself the Dignity and Jurisdiction of Legatus de Latere. Thus the King made the Privilege of his Letters Patents a Crime, sued against his own Licence, and brought the Cardinal under a severe Forfeiture, for making use of the Royal Authority.

As for the whole Body of Articles, the Lord Herbert observes, that nothing of this Nature was objected to the Cardinal, till he fell under the King's Displeasure; which is a Sign that 'twas the Envy and Ambition of his Enemies that fram'd this Impeachment: They malign'd his Greatness, coveted his Post, and hoped for his Wealth. From hence, 'tis plain there was more Clamour than Proof in the Allegation; for when Cromwel came to speak to them, they fell flat, and the Bill was dismiss'd.

† Lord Herbert, p. 263.

Notwithstanding this Submission, the Cardinal was stripp'd of his vast Fortune, and remain'd in a very unfurnish'd Condition for some time, which made such an Impression upon his Spirits as threw him into Sicknels: At the hearing of this the King began to relent, and sent him a Ruby and a kind Message, by his Physician Dr. Butts, and prevail'd with Mrs. Anne Bullen to make him a present at the same time. What Effect these Favours had upon the Cardinal's Health is uncertain; but he recover'd soon after; and the King, to assure him further, pass'd his Pardon on the Twelfth of February, 1529. restor'd him to the Archbishoprick of York, and sent him Money, Plate, and other Furniture for his House and Chappel. Now the Cardinal had some hope of recovering his Interest in Court; He Petition'd the King for leave to remove from *Ashur* to *Richmond*; but his Enemies prevail'd with the King to send him to his Diocess of York. The Cardinal being commanded to the North, had no Excuse for Delay, but want of Money, with which he acquainted the King; upon which Complaint, being furnished with 1000 Pounds, he set forwards; was remarkably Charitable and Devout in his Journey, and had the Respects of great Numbers of People who came to him on the Road: And thus by slow Removes he came to *Calwood** Castle near York, about the End of September; and here Provision was made for a Customary and Solemn Instalment, about a Month after.

But whether the King thought the Pomp of this Ceremony unseasonable, and too much for a Man in Disgrace, or whether the Cardinal had

* A. D. 1530. A Seat belonging to the Archbishoprick.

thrown out some Expression of Discontent, is meet Conjecture. However, 'tis certain his Fate was determin'd. Indeed the true Reason why the King resolv'd his Ruin, seems to have been his Incompliance in the Divorce.

But now the Ceremony of Instalment approaching, the Cardinal was arrested for High-Treason, by the Earl of Northumberland and Sir Walter Walsh. The Cardinal, at the Earls coming, received him very friendly, and prepared for his Entertainment; but when he understood his Business, and was denied a sight of the Earls Commission, he refused to obey the Arrest; but when Walsh, a Gentleman of the Privy Chamber, appear'd, he surrender'd himself to him.

Cavendish reports, this Charge of High-Treason against the Cardinal, was a Plot of his Enemies at Court. Indeed, there was little Probability of the Cardinal's being Guilty, if we consider his Appeal to the King for his Innocence, in his Sickness; and his dying Words to the same Purpose. And farther, a Crime of this nature is very unlikely in respect to the Time; for in February last, the Cardinal was pardon'd for all High-Treason; since which time, his Interest was broken, he had been confus'd, and acted in no Business.

After the Arrest he set forwards for London, fell sick by the way, and dy'd at the Abby of Leicester.

When he was attach'd for High-Treason, with Spirit and Presence of Mind, he maintained his his Innocence with the highest Solemnity, and press'd for a Tryal. He was not without his Failings; He seems to have affected Pomp and Secular Grandeur too much. He held the Office of Lord Chancellor, the Bishoprick of Winchester, the Rich Abby of St. Alban's, and the Archbishoprick of York all at one time: This, without doubt, was

being too great a Pluralist. He appears likewise to have been too resign'd a Courtier, and over-obsequious to the King's Pleasure; and this excess of Compliance he regretted to his last Hour: To this sort of Misconduct, a High Station, lies not a little expos'd.

But then, to ballance these Infirmities, he had the Mixture of many Good Qualities: He was, as the Lord Herbert observes, a Person of great Parts and Industry*; had deservedly the Character of an able Minister, and was courted by the greatest Princes. His Learning is said to have lain most in *School-Divinity* and *Canon Law*: But notwithstanding this Character of Abatement, we don't find he ever was tax'd with being unqualified for the *Chancery-Bench*. He is much blamed by some Historians for Haughtiness and Stiff Behaviour; but if this had been his Fault, it seems he left it off before his last Misfortune: For *Cavendish* relates, that in his Journey to the North, he gain'd very much upon all sorts of People; and that he was remarkable, not only for his Bounty and Exemplary Life, but likewise for his Condescension and obliging Manner†. He seems to have been a Good natur'd Master, by the Tenderness and Regret between him and his Family at parting; and his declaring, that no Circumstance in his Misfortune troubled him so much, as his being disabled from making a Provision for his Servants. His Schemes for the Benefit of Learning were noble and well laid, as appears by his College at *Oxford*. He likewise founded a College at *Ipswich*, for the Service of Religion and the Poor. He

* Lord Herbert, p. 314.

† Cavendish, p. 173. Id. p. 148, 183.

likewise designed the founding a *Society* in *London*, for the *Civil* and *Canon* Law. For this purpose he projected the Building a fine Stone-College; the Famous Antiquary Sir Robert Cotton, saw the Model of this Structure. He built the greatest Part of *Whitehall* and *Hampton-Court* intirely. He came into the World with no advantage of Family, his Father being but a poor Man at *Ipswich*.



FISHER, Bishop of Rochester.

KING Henry VIII. not enduring any Opposition to his *New Title*, resolved to proceed to Extremity: He began with *Fisher*, Bishop of *Rochester*; who, after he had lain in the *Tower* about a Year, was brought to his Tryal. During his Imprisonment he was examined upon the Contents of some Letters that pass'd between him and Sir *Thomas Moor*, who was then a Prisoner in the same Place †. The Purport of the Bishop's Letters to *Moor*, was chiefly concerning a *Bill*, by which Words against the King are made Treason ‡. This *Bill* stuck in the House of Commons, who insisted, that the Term *maliciously*, might be added. The *Act* was pass'd with this Amendment. Sir *Thomas Moor*, who answer'd the Letter while the *Bill* was depending, told the Bishop, that, provided the *Act* was thus qualified, he would be in no

† Bishop Fisher's Tryal, A. D. 1535.

‡ 26. Hen. VIII. cap. 13.

danger by answering the Question concerning some Words charged upon him.

Farther, one *Article* against him was, That a Servant of the Lieutenant's had heard Mrs. Roper, Sir Thomas Moor's Daughter, say, that Bishop Fisher was made a *Cardinal*. To which he answered, the said Servant and one *Wilson* being present, that if the *Cardinal's Hat* was laid at his Feet, he would not stoop to take it up †.

'Tis true, Pope *Paul* had lately declared him a *Cardinal*. This unseasonable Respect precipitated his Death: For the King thought, this Promotion might be of ill consequence, and encourage his Subjects to contemn his Authority. For *Fisher* had refused to swear the Preamble to the *Act* of Succession, and could by no means be prevailed with to own the King's Ecclesiastical Supremacy in the Forms prescribed. The King, as *Saunders* reports, sent some of the Judges to examine him, whether he had made any application for the *Cardinal's Cap**. His answer was, that he never solicited either for that, or any other Honour: and that this Time, especially, was very unlikely to draw his Fancy; That Old Age, Confinement, and Expectations of Death, were Preservatives against Ambition.

As to the Letters which passed between *Moor* and this Bishop, the Subject of them was mostly to encourage each other to Fortitude and Resignation, to implore the Divine assistance, and pray for their Enemies: Neither did any thing pass, as far as I can discover, which might be construed to a harsh, or uncharitable Wish to any Man living ||.

† *Cotton. Libr. Cleop. E. VI. fol. 169.*

De Schif. Angl. p. 135. || *Cotton. Libr. ibid.*

There is a Letter of one *Bedel*, which bears somewhat hard upon the Bishop; it mentions a Book of *Fisher's*, written in Defence of the King's Marriage with *Katherine of Spain*, and against his second Marriage with *Anne Bulleign*. These Books were deliver'd by this *Bedel* to the Archbishop of *Canterbury*: *Bedel* adds, that he was inform'd by the Confessor of *Syon*, that the Bishop assur'd the King, he had never shewn certain Letters, relating (I suppose) to the Divorce, to any Person but his Majesty; and promised to keep them Private. This Confessor, however, as *Bedel* continues, affirm'd that *Fisher* sent him, and Two other *Friers*, a Copy of his Letters directed to the King, together with the King's Answers.

The Bishop was brought to his Tryal on the Seventh of *May* as the Lord *Herbert* relates. The Lord Chancellor, the Duke of *Suffolk*, and some other Lords, together with the Judges sat upon him, by a Commission of *Oyer and Terminer* *.

He is Indicted by the Addition of *Dominus Johannes Fisher, Nuper Rossensis Episcopus*; which, it may be, might be the Reason of his not being try'd by his Peers. Why he is styl'd the late Bishop of *Rochester*, is somewhat mysterious; for I do not find he had been depriv'd by any Authority, either of Church or State. The Charge of High-Treason in the Indictment, runs Thus:

Quod Anno viceffimo septimo Regis Henrici Octavi apud Turrem London. in Comitatu Middlesex, contra Ligantiae suae debitum, hæc verba Anglicana sequentia diversis dicti Domini Regis veris subditis, falsè, malitiosè, & proditoriè loquebatur & propalabat: viz. The King, our Sovereign Lord, is not Supream Head in

* Bishop Burnet's History of the Reformation, Part I. p. 353.

Earth of the Church of England†. The Bishop was found Guilty. But,

How these Words could be mounted to High Treason, is somewhat difficult to understand : For the late *Acts* of Parliament, leading towards the *Supremacy*, in the Twenty fifth Year of this Reign*, carry the Forfeitures no higher than *Præmunire*, and Misprision of Treason. And the *Act* of this present Year, which brings the *Regale* to the highest Pitch, has no Penalty annexed ||. If therefore the Bishop was found Guilty upon any *Statute*, it must be upon that which makes it Treason, *To maliciously Wish, or desire by Words or Writing, to deprive the King of his Dignity or Title*†. But whether this *Act* was strain'd upon the Bishop or not, I shall leave to the Reader.

Fisher was hardly used during his Imprisonment : In a Letter of his to *Cromwel*, he acquaints this *Minister* with his wanting Necessaries, and that he had neither Cloaths, Fire, nor Proper Diet allow'd him †. He likewise complain'd of the Ill-usage of some Persons sent by the King to discourse him in Prison : These Men, as he *Expostulates*, pressed him to give them his Reasons against the King's *Supremacy*, with an Assurance that he should receive no Damage by discovering his Mind : Under this Confidence, the Bishop declared his Opinion, with the *Grounds* upon which he went : But, as appears by the Event, he trusted them too far ; for these Men broke thro' the Secrer, and turned Evidence against him*.

† *Cotton Libr. Ibid. fol. 178.*

* 25. H. VIII. c. 19. & c. 22.

|| 26. H. VIII. c. 1.

† 26. H. VIII. c. 13. *Statutes at large.*

† *Fuller's Ch. Hist. Book 5. p. 190. from Cotton Libr.*

* *Harmer p. 60.*

He was Executed upon the Twenty second of June, in the Seventy seventh Year of his Age. The Morning before the Execution, the Lieutenant of the Tower came to his Chamber, and acquainted him he was to suffer that Forenoon. The Bishop told him, he had expected that Message a long while, and was not at all surprized at it: He humbly thank'd the King for putting an End to his Fatigues, and giving him a Passage into the other World.

The Lieutenant told him, the King would have him be short in his Speech, not to break out into Reflexion, arraign his Government, or give the People an ill Impression. The Bishop reply'd, He hoped by God's Assistance to be very Inoffensive, and neither give the King or any other Person any Reason for Complaint.

Upon his dressing himself with more Care and Exactness than usual, his Servant ask'd him Why he took all that Pains about his Habit, not having above two Hours to wear it? That's no matter, says the Bishop, 'tis my Wedding-Day; and therefore out of Respect to the Occasion, I ought to appear something finer than ordinary. Being very infirm, he was carry'd in a Chair to the Tower-Gate, where they made a Hault, till the Sheriff receiv'd him: During this Interval, he opened the *New Testament*, and desired God, some Place proper to his Circumstances might come up; upon looking into the Book he found (*Joh. 17. 3, 4.*) these Words, *This is Life Eternal, that They might know Thee, the only true God, and Jesus Christ whom thou hast sent. I have glorified Thee on Earth, I have finished the Work which thou gavest me to do;* upon this he shut the Book, and said, *Here's Learning enough for me to my Life's End.*

When

When he came to the Scaffold, they offer'd to help him up; but he desir'd them to let him alone, and they should see him shift well enough for himself. He went up the Stairs with unusual Liveliness and Strength; so that those who knew his Age, and the Weakness of his Constitution, were very much surprized.

He observed the King's Orders so far as to be very short in his Speech.

He told the People he came to Die for the Faith of Christ's Holy Catholick Church: He gave God Thanks for supporting him with Resolution for the Occasion; and that the Fear of Death, had hitherto made no Impression upon him. He desir'd their Prayers, that he might continue his Adherence to every Point of the Catholick Faith, and stand firm and unshaken at the last Moment. And lastly, He begg'd Almighty God to preserve the King and Kingdom, and bless his Majesty with a good Council.

These Words were delivered with an Air of Cheerfulness and Gravity. He gave all imaginable marks of Unconcernedness and Courage. He pass'd as it were into the other World, and expir'd as it were in Constancy and Greatness*.

He sate Thirty three Years at Rochester; was Born at Beverly in Yorkshire, where his Father was a Wealthy Merchant. He was educated at Cambridge, of which University he was afterwards Chancellor. He was Confessor, in the late Reign, to Margaret Countess of Richmond; and prevailed with her for the founding St. John's and Christ's Colleges in Cambridge. He was a Person of Learning and Exemplary Life; but stuck close to the

* Fuller's Church Hist. Book 5. p. 203.

Papal Pretensions. As for Covetousness and Luxury, he is much misreported by *Bale* *; those Blemishes being altogether foreign to his Character. He could never be brought to a Translation to a Wealthier See. He used to say, his Church was his Wife, and that he would never part with her because she was Poor †: He was much esteemed by the King, till the Business of the Divorce, and the Pope's Supremacy came to be discussed. He wrote against *Luther*, in Defence of King *Henry VIII.* *Ocolampadius*, and other German Reformers were undertaken by him.

* *Godwin de Præsul. Angl. in Fisher.*

† *Bishop Burnet, Hist. Reformation. Part I. p. 354. Fox, Vol. II. p. 353.*

THOMAS CRANMER, Archbishop of Canterbury.

November the Thirteenth, 1553. Archbishop *Cranmer* was arraign'd at *Guild Hall*, and brought in guilty of *Treason*: He was try'd for leaving War against the Queen, and conspiring to set up an Usurper. *Cranmer*, before Judgment was given, pleaded he had not consented to exclude the Queen, till the Judges and other Common Lawyers led the Way; and thus, with the rest, he submitted to the Queen's Mercy.

The Archbishop's Attainder was confirmed in Parliament: This Sessions he Petition'd the Queen for his Pardon, pleading his Unskilfulness in the

Common Law, and his being over-ruled by the Authority of the Judges.

The Queen at last Pardon'd him for Treason, but Executed him for Religion.

This Archbishop was descended from an Ancient Family in *Nottinghamshire*, and bred in *Christ-College, Cambridge*. He was a Person of great Equality of Temper, and never discover'd his Hopes or Fears with Levity or Dejection: He was a Man of a Gentle, Generous, Forgiving Disposition. When he was in Power, he treated the *Roman Catholics* with Lenity and Good Humour; and being charged with Remissness and Over-Complaisance for such Management, he used to defend himself, saying, That People ought to have time to disentangle themselves, and be led rather than driven out of their Mistakes. As to his Learning, He was a great Divine, and over and above well read in the *Canon and Civil Laws*: By extracting the Books he made use of, he was prepared to give a sudden and satisfactory Resolution to almost any Question within his Profession. He had studied the Controversie touching the Holy Sacrament with the utmost Exactness; and made a full Collection of the Sence of the Fathers, Councils, and Modern Doctors upon this Argument.

for his father's pleading and Unhappiness in the
Parliament: This self-same Position the Queen
The Archbishops Alexander was contained in
and she intended to move on this subject.
most always led the way; and thus with the
clude the Queen, all the other and numerous
was given, pleaded as not not contained in ex-
for up an Unhappy Queen, before Parliament
lying that against the Queen, and containing to
brought in guilty of Unhappiness as a result for lo-

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*The Archbp. of York, Bishops of Durham,
Litchfield, &c. Impeach'd.*

THE Bishops going to the Parliament being altogether impracticable, by Reason of the Insults of the Rabble; they met at the Dean of *Westminster's* Lodging, and subscrib'd a Protestation for preserving their Right of sitting in Parliament. It was drawn up by Archbishop *Willmott*, in the Form of a Petition, and was to be presented to his Majesty in the House of Peers. Five of the See being vacant, and some of the Bishops gone in the Country, it was Sign'd only by Twelve: The Archbishop of York, Bishops of Durham, Litchfield, Norwich, St. Asaph, Bath and Wells, Hereford, Oxford, Ely, Gloucester, Peterborough and Landaff.

This Protestation was put into the Lord Keeper *Littleton's* Hands, but not to be read till the King, at the Bishop's Instance, came into the House of Peers. But the Lord Keeper, contrary to Direction, communicated the Petition to some unfriendly Members of Both Houses, before the time. Immediately, upon the Paper's being read in the Upper-House, the Anti-Episcopal Lords desired a Conference with the Commons. In short, the Bishops Petition being put into their Hands, the Lord Keeper declar'd, the Protestation contain'd Matters of High and Dangerous Consequence, and intrench'd upon the Fundamental Privileges and Being of the Parliament. However, Things being somewhat quieted, the Bishops recall'd their Protestation, and desir'd Both Houses to accept their Revocation.

But the Commons resolv'd to seize the Opportunity, and made use of the pretended Advantage: Thus, within half an Hour after the Instrument was put into their Hands, they sent up to the Lords, and without farther Debate, Impeach'd the Twelve Bishops who sign'd the Protestation, of High Treason. This Charge being carried to the Upper House by Mr. Glyn, the Black Rod was immediately ordered to go in search of the Bishops, and bring them before the Lords in Parliament. They were brought to the Bar that Evening accordingly; upon which an order pass'd in these Words, *That the Lord Archbishop of York, the Lord Bishop of Durham, the Lord Bishop of Norwich, the Lord Bishop of St. Asaph, &c. being Charged of High Treason by the House of Commons, shall forthwith stand committed to the Prison of the Tower, until the Pleasure of this House be further known.* But by an Order the same Day, the Bishops of Durham, and Litchfield and Coventry, in Regard of their Age and ill Health, had the favour of being remitted to the Custody of the Gentleman Usher. The Bishops committed had some time given to put in their Answer; and at their Request the Lords ordered Mr. Lane the Prince's Attorney, Sir Tho. Gardiner, Kr. Recorder of London, John Hearn, Chaucer Chute, John Fountain, Matthew Hales, and Arthur Trevor, to be of Council for them. About Fortnight after their Commitment, they were severally brought to the Bar of the Lords House, and put in their Answers to the Impeachment, in the following Form;

I ———, Bishop of ———; Saving to my Self all Advantages of Exception to the Insufficiency of the said Impeachment; for my Self say, that I am not guilty of the Treason charged by the said Impeachment,
in

in the Manner and Form as the same is herein charged.

After this Answer, the Bishops petition'd the House of Lords for Tryal or Bail: Upon which the Lords assign'd them the 25th of January for their Tryal, but remanding them the mean time to their former Confinement; where they continu'd till the beginning of May the next Year: At which time, without making any application to the Commons, the Lords admitted them to Bail. In short, they liv'd where they pleas'd, without being call'd upon for their Tryal; which is another clear Evidence, they had done nothing unwarrantable by Law: For had they been any ways obnoxious, their Enemies would not have fail'd in their Prosecution. And here Wren, Bishop of Ely, had harder fortune than the rest: For some few Months after his Enlargement, he was seiz'd by a Party of Soldiers at his House at Downham near Ely, and carried back to the Tower, where he continu'd till the End of the Year 1659, without any Charge brought against him.



Archbishop LAUD.

ARchbishop LAUD having been three Years imprisoned, his Jurisdiction and Patronage seized, and his Estate sequestred, was now impeached of High Treason before the Lords. The Commons, who drew the Impeachment, exhibited their Charge in one and twenty Articles. The Archbishop put in his Answer; where, to cover himself

himself from the 13th Article, setting forth, That he had maliciously and traitorously plotted, and endeavoured to stir up War and Enmity between his Majesty's two Kingdoms of England and Scotland, and to that purpose had laboured to introduce into both Kingdoms of Scotland divers Innovations both in Religion and Government, &c. he pleaded the Act of Oblivion passed this Parliament; and that he was not conscious of any Guilt: But considering the Disadvantage of the Times, and the Strength of the Faction, he did not think fit to part with any Legal Advantage.

When his Tryal came on, the Commons ordered Serjeant Wild, Brown, Maynard, Nicholas and Hill, to be Managers, and Pryn was employed to provide and prompt the Evidence. The Tryal was carried on by Intervals, through twenty Days Hearing, from the twelfth of March, to the twenty ninth of July. To begin,

The Archbishop, after his twenty Days Hearing, having moved for the Liberty of Repeating an Abstract of the Articles, with his Answer to each of them; the Lords sent him word to be ready with his Recapitulation against the 2d of September. And about this time 'twas resolved in the House of Commons, that he should enjoy the Benefit of the Act of Oblivion, and not be charged with any thing relating to the Troubles of Scotland.

The Archbishop, brought to the House of Lords upon the Day appointed, desires their Lordships to remember in the first place, the Generallity, and by consequence, the Uncertainty of almost every Article of the Impeachment; that the Charge being thus unbounded, and lying at random, put him to great Difficulties in making his Defence.

He

2. He desires, their Lordships would be pleased to consider, how far he was straiten'd in time, inſomuch that the Intervals betwixt each Hearing were ſometimes ſo ſhort, that he had not leiſure to peruſe the Evidence, and much leſs to review his Answers, and fortify them, if occaſion required. For theſe Reaſons, among others, he deſires, his Council may be heard, as to Matters of Law, before their Lordſhips proceed to Sentence.

3. He deſires, the Lords would be pleaſed to remember the Hardſhips put upon him ſince his Confinement. And here he reminds them, that the Key and Uſe of his Study at Lambeth, both Books and Papers, were taken from him. 2^{dly}, That his Apartments in the Tower were ſearched by Pryn, and twenty one Bundles of Papers prepared for his Defence, ſeized and carry'd off, and not three Bundles reſtor'd: that this Search was made before the Impeachment was formed into any particular Articles: That his Books were examin'd, his Diary and Prayer Book taken away, and afterwards us'd againſt him: That in ſome Inſtances all this was done, not to prove a Charge, but to make one. 3^{dly}, That all Books of Council Table, Star Chamber, High Commiſſion, Signet Office, his own Register, and the Registers of Oxford and Cambridge, have not only been thoroughly inſpected for Matter againſt him, but he has likewiſe been deny'd the Peruſal of theſe Records, and that this Reſtraint was a Diſadvantage in his Defence.

In the 4th place, he entreats, their Lordſhips would recollect his Benefactions and Services to the Publick have been objected as Crimes againſt him. And here he inſtances in the Repairing of St. Paul's and ſettling the Statutes of the Univerſity of Oxford.

Towards the latter End of this summary Defence, the Archbishop takes notice, that the Managers confess'd, *The Particulars urged against him were not Treason, rightly considered; but that the Result of them all together amounted to this Crime.*

To this the Archbishop answers, That if no Particular charged against him is Treason, the Result from them cannot be Treason. This Argument he makes good from the following Reasons.

First, The Result must be of the same Nature and Species with the Particulars out of which it is formed: This Reasoning holds, in Nature, in Morality, and in Law. In Nature, and that both for Integral and Essential Parts. For neither can the Body of a Bear, and the Soul of a Lion, result into a Fox; nor the Legs of a Bull, the Body of a Horse, and the Head of an Ass result into a Man. In Morality, and this may be proved both in Virtues and Vices; for neither can many Actions of Liberality, Meekness and Sobriety, rise up in a Result of Fortitude; neither can many Actions of Malice, Drunkenness and Covetousness, result into Treason. This Reasoning holds in Law too; For let the Crimes be never so many, there is no Law in this Kingdom, nor any where else that I know of, (continues the Archbishop) that makes the Result of different Crimes Treason, where none of the Particulars are Treason by Law. In short, this Imaginary Result is a Monster in Nature, in Morality, and in Law; and if once allow'd, will destroy all the Civil Securities of the Subject. And since Life, Liberty, and Interest are so deeply concerned, He hopes their Lordships will be proportionably cautious, not to give Precedents against them.

And

And after having answered some Objections upon this Head, he refers himself to the Laws of this Realm: That this pretended Result must be something within 25 Ed. III. or some other known Statute; otherwise it cannot be *Treason*. And yet no Proof at all has so much as been offered, that this Result is *Treason* by any Law.

In disproof of his endeavouring to introduce Popery, he mentions a List of above Twenty Roman Catholicks he had recover'd to the Church of England; and several of these were Persons of Condition and Quality *. And as for his whole Defence, Pryn, notwithstanding his Disaffection, and Sourness of Temper, is so frank as to confess, that he made as full, as gallant, as pithy a Defence, and spoke as much for himself, as was possible for the Wit of Man to invent; and that with so much Art, Vivacity and Oratory, without the least Acknowledgment of Guilt in any thing.

Upon the 11th of October following, the Archbishop's Council, *Hern* and *Hales*, Barristers of *Lincoln's-Inn*, and *Gerrard* of *Gray's-Inn*, attended with the Archbishop in the House of Lords. The Arguments agreed amongst them was deliver'd by *Hern*. To give the Reader some part of it, In the introductory Part of their Plea, they declare, the Archbishop had receiv'd no Assistance from them in the course of his Tryal, and that his Defence was wholly his own.

They reduce the whole Charge to Three general Branches. 1. A traiterous Endeavour to subvert the Fundamental Laws of the Realm, and to introduce arbitrary and tyrannical Government. 2. A traiterous Endeavour to subvert Gods

“true Religion by Law establish’d, and instead thereof to set up Popish Superstition and Idolatry. 3^dly, That he labour’d to subvert the Rights of Parliament, and the ancient Course of Parliamentary Proceedings, &c.

With reference to these three General Heads, they crave leave to propose the debating two Questions.

First, Whether the Constitution make any thing Treason, except what is declar’d such by the Statute of 25. *Edw. III. cap. 2.* or enacted by some subsequent Statute? This Question they held in the Negative.

2^dly, Whether any thing charg’d in these Articles of Impeachment, contain any of the Treasons declar’d by that Law, or enacted by any subsequent Statute? This, they humbly conceive, may be reasonably deny’d: And for the clearing both these Points, they affirm, that an Endeavour to subvert the Laws, Religion and Rights of Parliament, are not Treasons within the 25th of *Edw. III. cap. 2.* or any other subsequent Statute.

3^dly, That not any of the Particulars instanced in the rest of the Articles, are Treason within the Statute of 25. *Edw. III.* or any other Statute.

To make good their Opinion upon the Question, they argue, that before the making of this Statute 25. *Edw. III.* Treason was dangerously undefined and uncertain; that almost any Crime was by way of Inference extended to Treason; that killing the King’s Messenger was Treason †; accroaching the Royal Power was likewise made Treason in the House of Lords*. The Commons being sensible, how destructive ’twas to the Subject, for

† 22. *Book of Assiz.* * *Rot. Parl. 21 Edw. 3. Num. 15.*

the highest Crime to lie thus at large, and undetermined, petition'd it might be better distinguish'd, and brought to a clearer State. This Request of the Commons, with the Inconveniencies above mention'd, occasion'd the Statute 25. Edw. III. And here the Archbishop's Council observe, that in all the successive Reigns, this Statute has been the fix'd Rule for Judgments in Cases of Treason †.

From hence they proceed to make a Recital of the Treasons declar'd by the above mentioned Statute, which are these following:

1. Compassing and Imagining the Death of the King, Queen, Prince, and declaring the same by some Overt Act.
2. Murthering the Chancellour, Treasurer, &c.
3. Violating the Queen, the King's eldest Daughter, or the Prince's Wife.
4. Levying War against the King.
5. Adhering to the King's Enemies within the Realm, or without, and declaring the same by some Overt Act.
6. Counterfeiting the Seals and Coin.
7. Bringing in counterfeit Coin.

This Recital was to furnish the Lords with a Test for trying the Articles exhibited against the Archbishop, whether any of them were marked for Treason by this Statute.

In the next place, these Learned Gentlemen of the Long Robe, laid down for a Ground, that this Act might not be construed by Equity or Inference:

1. Because it is a declarative Law; and no Declaration ought to be surcharged with another Declaration.
2. This Law was provided for a security in Life, Liberty or Estate. But to admit Con-

† Rot. Par. 1 Hen. 4. Numb. 144. Rot. Par. 5. Hen. 4. Num. 12.

structions and Inferences upon it, must by Consequence destroy the Force of the Provision. 3. It has been held both in Parliament and Judicial Debates, that this Act must be literally constr'd, and not stretch'd to Inferences.

From hence the Council go on to the second Question, Whether any part of the Charge against the Archbishop, contains any of the Treasons declared by 25. Edw. III. or Enacted by any subsequent Law? To make good the Negative side of this Question, they argue, that an Endeavour to subvert the Fundamental Laws, is not Treason by any Law in this Kingdom. Their Reasons are,

1. Because 'tis not compriz'd within any Words of 25. Edw. III. neither, as has been already observ'd, may it be brought within it by any Construction or Inference. 2. Because an Endeavour to subvert Laws, is of so great a Latitude and Uncertainty, that every Action not warrant'd by Law, might by this means be strained to Treason. To fortifie this Reasoning, they cite an Authority from Sir Edward Cook†: The Case is this, "A Conveyance was made in Tail, with a Proviso, that if the Tenant did go about or attempt to discontinue the Intail, the same should be void. Now 'twas resolv'd by the Judges, that the Proviso was void: The principal Reason was, that these Words, *attempt or go about* are uncertain Terms, and void in Law." What follows in the Report, is very observable, viz. *God defend that Inheritances and Estates of Men should depend upon such Uncertainties. That Misera est servitutus ubi jus est vagum, et quod non definitur in jure quid sit Conatus: And*

† Cook's Reports, Part VI. fol. 42. Mildmay's Case. See Corbet's Case: Moor's Reports, fol. 692.

therefore

therefore the Rule of the Law decides this Point, *Non efficit donatus nisi sequitur Effectus*. And the Law does reject Conations, and goes about, as things uncertain which cannot be put in Issue. Thus far the Book. And if Estates are thus well guarded, 'tis hoped the Instance will hold stronger in Cases of Life.

Having dispatch'd these Generals; the Council apply themselves to the other Articles, which they conceived were insisted on as Instances of the General Charge. And here they suggest, that if the Generals fall short of Treason, the particular Instances must do so too. And on the other Side, if the Instances come lower than Treason, the Application to those Generals cannot mount to any such Malignity; and here they single out Two Particular Articles of greatest Force against the Archbishop.

The first stands in the Tenth Article, viz *That he has Traiterously endeavour'd to reconcile the Church of England with the Church of Rome*. To disable this Article, they reply, That if this is any Treason, it must be a Treason within 5. Jac. cap. 4. where 'tis Enacted, **THAT IF ANY MAN SHALL PUT IN PRACTICE TO RECONCILE ANY OF HIS MAJESTY'S SUBJECTS TO THE POPE OR SEE OF ROME, HE SHALL INCUR THE FORFEITURES OF TREASON**. But the Charge in the Article is clearly without the Compass of this Statute. For,

First, The Article only charges an *Endeavour*, whereas the Statute mentions a *putting in Practice*.
2d. The Article sets forth, an *Endeavour of reconciling the Church of England with the Church of Rome*; but the Statute mentions, *reconciling some of his Majesty's Subjects to the See of Rome*. Now there seems a wide Difference between these two Expressions; For *reconciling with*, may as well import, bringing the

the Church of *Rome* to the Church of *England*, as the Church of *England* to the Church of *Rome*.

The second Instance, is in the Seventh Additional Article; in which the Archbishop is charged with *Wittingly and Willingly* receiving divers Popish Priests and Jesuits; namely *Sancta Clara* and *M. St. Giles*. To this the Council reply'd, That the harbouring Priests and Jesuits is made Felony, and not Treason; and that the *Statute* extends only to Priests born within the *English* Dominions, which *Sancta Clara* and the other are not charged to be.

And now having gone through the heaviest Articles, and proved them clear of any Treasonable Matter; they argue, Such Articles cannot be heightened to Treason by Inference, or Parity of Reasoning. They grant the Crimes, as they stand in the Charge, are Great and Many: However, since they fall short of Treason by the Laws of the Realm, their Number cannot make them exceed their Nature; and if they are but Misdemeanors taken apart, they cannot be swell'd to Treason putting them together.

Unless this Reasoning be allow'd, the 25. *Ed. III.* so much insisted on already, must be a Vain and Insignificant Provision. For if after all the Exactness and Particularity of that *Statute*, any number of Misdemeanors should produce a Treason, purely by Mixture and Complication; if this were the Case, the *Statute* could give no Relief to the Subject, because the Law makes no mention of Treason by Emergency or Complication of lesser Crimes: It neither informs us, what Number or what Nature of Crimes below Treason, should make a Treason; nor that any Number of Offences should operate thus far.

They

They observe farther, there is a Clause in the Statute 25. Ed. III. That when the Judges found the Case perplexed, they were not to give Judgment till the Cause was brought before the Parliament. From hence it may seem to be inferred, there are Treasons unmention'd in the Statute, which may be declar'd in Parliament. To this Objection they answer, That 'tis expressly provided by the Clause, that it was to be declared in Parliament, *whether the Crime ought to be adjudg'd Treason or Felony*. From whence it appears, the Offence should at least be *Felony* at the Common Law, and that no Crimes beneath *Felony*, were ever intended to be stretch'd to *Treason* by this Statute. And in the late Case of the Earl of Strafford, there is a Treason within this Law, charged and declared in the Bill of his Attainder, to have been proved upon him.

And to fortifie their Argument, it may be observed, that as to the Clause last mention'd, a Petition was preferr'd by the Lords, in the Reign of King Henry VIII. to have all Treasons limited by Statute *. And in the Parliament an Act was made, whereby the *Salvo* in 25. Ed. III. was repealed, and nothing to be *Treason*, but what was Literally comprehended in the Statute 25. Ed. III. †. They urge many other things upon this Head which may be omitted ||.

About a Fortnight forward, a Petition was handed through the City and Suburbs, for bringing *Delinquents* to Justice; and some of the Preachers animated the People to exert their Zeal upon this Occasion, letting them know, the Glory of God, and the good of the Church wou'd be promoted this way: This Petition, in which no Per-

* 6. Hen. VIII. cap. 4.

† Ibid. cap. 20.

|| Hist. Tro. and Tryal of Archbishop Laud, p. 423. & deinc.

sons were named, except the Archbishop of Canterbury, and the Bishop of Ely, was Signed by great Numbers, and deliver'd to the House of Commons. And here the Archbishop observes, that neither the Lord Mayor, or the Sheriffs gave any Check to this Illegal and Sanguinary Method, tho' the Business was publickly known, and the People exhorted to subscribe in their Parish Churches.

After the Tryal was over, the Houses thought fit to proceed by way of Attainder; the Bill pass'd with the Commons Novemb. 16. but it was much longer before the Lords were satisfied. In the mean time great Care was taken to push them to a Concurrence: For Instance, *Stroud* was sent with a Message from the Commons to quicken them in this Business; he took the Freedom to tell them, *That they shou'd do well to agree in the Ordinances, or else the Multitude would come down and force them to it.* Notwithstanding this Menacing, when the Articles of Impeachment were put to the Judges, they unanimously declared, that nothing charged upon the Archbishop was Treason by the Laws of the Realm: And the Lords, at a Conference with the Commons, own'd themselves of the same Opinion. And now, to smite more solemnly with the Fist of Wickedness, a Fast was ordered for Christmas-Day: If the two Houses had been Jews, they could hardly have put a more open Affront upon Christianity. To proceed, the Lords at last, with a very thin Appearance, went through the Bill; only Seven in the House, Six of this Number were the Earls of Kent, Pembroke, Salisbury, and Bullingbrook, the Lord North, and the Lord Gray of Wark. To stop the Consequence of this Attainder, the Archbishop pleaded the King's Pardon under the Great Seal, and Sign'd about two Years since; but this Protection

Protection was over-ruled by Both Houses, because it was granted before Conviction: And *zddy*, If it had been subsequent, yet in this Case of *Treason against the Kingdom*, (as they call'd it) it could signify nothing.

And now the Archbishop having notice of his Execution, breaks off his History, and prepares for Death; and the Day being come, mounts the Scaffold with an Air of Resolution and Cheerfulness. His Speech begins with this Text, *Let us run with Patience the Race that is set before us, looking unto Jesus, &c.*

After his Speech, the Archbishop made a very Pious and Affecting Prayer, and then moved towards the Block, and finding the Passage crowded with People, he desir'd them to make way, and give him room to Die. While he was preparing himself for the Executioner, one Sir *John Clotworthy* (remarkable for his Share in the Rebellion) gave him a very ill-natur'd Interruption: He ask'd him, What Text of Scripture is most comfortable to a dying Man? The Archbishop answer'd, *Cupio dissolvi & esse cum Christo*. Sir *John* going on in his Barbarity, told him, That there must be an Assurance to found that Desire upon: The Archbishop return'd, That Assurance was to be found within, and that Expression could not reach it. *Clotworthy* pressing further, said, 'Tis founded upon a Word though, and that Word he would know. *Laud* reply'd to this, that 'twas the Word of God concerning *Christ and his dying for us*. And finding this Gentleman might prove farther troublesome, he turn'd to the Executioner, and kneeling down, after a short Prayer, he had his Head sever'd at a Blow.

He was of a lively and penetrating Genius, of a sociable Temper, and inoffensively pleasant upon occasion. If we consider his Function, he had pass'd through almost all the Employments of a Church-man: And how much he was Master of his Profession, is sufficiently evident from his Book against *Fisher*. He was a Person of unblemish'd Integrity. Money was no part of his Inclination: For notwithstanding the Largeness of his Revenues, his Fortune was almost exhausted by his Benefactions to *Oxford* and *Reading*. His Piety was no less exemplary and distinguish'd: He was constant at his Chapel and private Devotions: His warm Loyalty, and Zeal for Uniformity, brought him to his End. And though he was far from warping towards Popery, rightly understood, 'tis possible, he might believe, a good Settlement might be capable of Improvement; that some part of the Reformation might be burnish'd, and brought to a more beautiful and Primitive State. That this was his Opinion, may be collected from the Preference he seems to give the *Scottish Liturgy*, and from his wishing the Foreign Reformed Churches might be like the Church of England, and as much better as God would please to make them.

The Lord *Clarendon* reports him to be a Person of eminent Learning and Piety; that he behav'd himself with great Christian Courage and Magnanimity on the Scaffold; and his Good Qualities were obtain'd by a few, and the greatest of his Infirmities common even to the Best Men. The Archbishop died in the Seventy second Year of his Age, *January* the Tenth, 1645.

Amongst his Publick Benefactions, besides those already mention'd, may be reckon'd his annexing *Commendams* to the small Bishopricks of *Bristol*, *Peterborough*, *St. Asaph*, *Chester*, and *Oxford*. He procur'd

cur'd a Charter for *Oxford*, to confirm their Ancient Privileges; and enlarg'd them to an equal Extent with those granted to the University of *Cambridge*, he settled 200 *l. per. Ann.* on an Hospital at *Reading* in *Berkshire*. By the way, The Archbishop was born in this Town, where his Father was a *Clothier* of good Substance and Esteem; his Mother was *Lucy Web*, Sister to Sir *William Web*, Lord Mayor of *London*. To go on with his Benefactions, He founded an *Arabick* Lecture in *Oxford*; and settled the Impropriation of *Cuddesdon*, on that Bishoprick. He procur'd a new Charter, and a Body of Statutes for the College of *Dublin*. He resolved to find out a Way, and provide a Fund for the Augmentation of poor Vicaridges, and for settling the Tythes of *London*, between the Clergy and the City. He was buried in *Barkin-Church*, near the *Tower*, with the Office appointed by the Liturgy: This was somewhat extraordinary, considering the same Day the Lords agreed to the Archbishop's *Attainder*, they pass'd an Ordinance, that the Book of *Common Prayer* should be laid aside, and the *Directory* us'd instead of it.

F I N I S.

could be chosen for Oxford, to consist of an
equal number; and engaged them to an equal
extent with those granted to the University of
Cambridge, he found not yet new on an old
point at Reading in England. By the way, The
Archbishop was born in this Town, where his
Father was a man of great substance and esteem;
his Mother was Lady, sister to Sir William
Lord Mayor of London. To go on with
the transactions, He founded an Annual Lecture
in Oxford; and sent the imposition of the
law on that Billpoint. He procured a new
Library, and a Body of Statutes for the College
of Balliol. He resolved to find out a Way, and
to give a Fund for the Augmentation of poor
Scholars, and for setting the Types of London
between the City and the City. He was busy
in the City, near the Tower, with the
Church, and the Library; this was some
time extraordinary, considering the Saint Day
which was sacred to the Archbishop's studies;
and he put an Ordinance that the Book of Common
Prayer should be read, and the Duties read
in Latin.

